

NORTHAMPTON BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Your attendance is requested at a meeting to be held at

on Tuesday, 20 March 2018

at 6:00 pm.

S Bovey
Interim Chief Executive

AGENDA

- 1. Apologies**
- 2. Minutes**
- 3. Declarations of Interest**
- 4. Deputations / Public Addresses**
- 5. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered**
- 6. Confirmation of a Tree Preservation Order**
- 7. Confirmation of a Tree Preservation Order**
- 8. Returning Officer Fees and Expenses**
- 9. Exclusion of Public and Press**

THE CHAIR TO MOVE:

“THAT THE PUBLIC BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

NORTHAMPTON BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 9 January 2017

PRESENT: Councillor Sargeant (Chair); Councillor Kilbride (Deputy Chair);
Councillors Parekh, Russell, Stone and Beardsworth

APOLOGIES: Councillor Aziz and Councillor Marriott

1. APOLOGIES

Apologies were received from Councillors Aziz and Marriott.

2. DECLARATIONS OF INTEREST

None.

3. DEPUTATIONS / PUBLIC ADDRESSES

None

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

5. REVIEW OF POLLING DISTRICTS AND POLLING PLACES FOR WEST HUNSBURY AND OLD DUSTON WARDS

Councillor Hadland addressed the Committee and stated that he fully supported the recommendations contained within the report.

The Chief Executive submitted a report on behalf of the Borough Secretary and elaborated thereon. He noted that the report considered the outcome of a consultation process which had commenced on the 18th November 2016. It was further noted that the Returning Officer's recommendation was to move the Polling Station for the Polling Districts of NSOD3 and NSOD4 from St Luke's Community Centre to Duston United Reform Church and that the boundary between 2 polling districts in the West H8unsbury Ward be altered to follow the County Division boundary.

Members discussed the report.

RESOLVED:

1. That the results of the consultation process be considered.
2. That the Returning Officer's recommendations for Polling Places as set out in

Appendix 1 of the report, be approved.

3. That the changes to be made to existing Polling District boundaries as shown in Appendix 2 be approved.
4. That the Polling Place for NSOD3 and NSOD4 in Old Duston Ward be Duston United Reform Church as shown in Appendix 3 be approved.

<TRAILER_SECTION>

The meeting concluded at Time Not Specified

Appendices 1, 2, 3,
4 & 5.
Photographs 1 & 2.



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. 232 land to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT
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AGENDA STATUS: PUBLIC

Committee Meeting Date:
20 March 2018

Policy Document: Not applicable

Directorate:
**Regeneration, Enterprise and
Planning**

Accountable Cabinet Member:
Councillor Tim Hadland

1. Purpose

1.1 To set out the background to and the reasons for making the Tree Preservation Order, provide an outline of Government advice and seek to answer the objections raised to the Order.

2. Recommendations

2.1 That Tree Preservation Order No. 232 be confirmed.

3. Issues and Choices

3.1 Report Background

3.1.1 Tree Preservation Order No. 232 comprises one ash tree that stands on the open space to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT: the TPO shows the location of the tree (see Appendix 1).

3.1.2 On 21 November 2017 a telephone call was received from a local tree care contractor concerned that he was being asked to remove the tree.

3.1.3 A site visit was made on 22 November and a Tree Preservation Order was made on 23 November 2017 and served on the owner of the land and the owner of 27 Knights Court (Appendix 2).

- 3.1.4 A letter objecting to the Tree Preservation Order was received on 12 December (Appendix 3). The objector listed a range of concerns, including that the tree's canopy encroaches toward their property and that if the tree were to fail in whole or in part their property might be at risk, and that the path near the tree's base is being lifted by the expanding tree roots.
- 3.1.5 The objector is also dismissive of the authority's assertion that the tree has considerable public amenity.
- 3.1.6 The final point raised by the objector is that if the Order is confirmed it will no longer be possible to manage the tree, this is of course erroneous.
- 3.1.7 The Tree Preservation Order remains unconfirmed because of the objections made by the owner of 27 Knights Court.
- 3.1.8 The owner of 27 Knights Court has been written to (Appendix 4) but their objection has not been withdrawn.

3.2 Issues

3.2.1 Government Advice

- 3.2.2 Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 3.2.3 Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.
- 3.2.4 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
- 3.2.5 When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.
- 3.2.6 It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

3.2.7 The Tree

- 3.2.8 The tree is a large mature ash tree, see photographs 1 and 2.
- 3.2.9 It is approximately 14m in height with a crown spread of approximately 17m and a trunk diameter of 835 mm.
- 3.2.10 The tree appears to be in good condition. The base has normal buttress root formation with no evidence of cavities or decay. The trunk is unremarkable with no apparent defects, decay or cavities. The branch structure appears normal with well-formed unions. There is some deadwood within the crown. The previous year's annual shoot extension and leaf size would indicate that the tree is displaying normal vigour.
- 3.2.11 There is evidence that the tree was subject to some remedial pruning several years ago to reduce the overall spread of the canopy.
- 3.2.12 The tree appears to be in good health and condition with a well-balanced canopy. It can reasonably be expected that the tree has a safe useful life expectancy of at least 20-40 years.
- 3.2.13 The tree has been assessed using TEMPO (Tree Evaluation Method for Preservation Orders). TEMPO is an evaluation assessment to determine a tree's suitability for protection by a Tree Preservation Order. The TEMPO system is open, to a degree, to the interpretation and judgement of the

assessor. However, it is recognised in the industry as a defensible method of assessment and is used by many Local Planning Authorities.

- 3.2.14 The TEMPO system includes an amenity assessment by determining the tree's suitability for a TPO by considering condition, retention span, relative public visibility and other factors. It then considers the expediency and finally provides a decision guide based on the numerical score. The assessment of the ash tree arrived at a score of 22, TPO Definitely merits TPO (Appendix 5).

3.2.15 Response to objections

- 3.2.16 In reply to the concern in the letter of objection that the Order will prevent management it was stated that the Order will simply allow the planning authority to be comfortable that any pruning that may be proposed is reasonable and proportionate.
- 3.2.17 The letter of objection was also concerned that the tree's canopy appeared too close to their home, but our reply noted that this concern could be addressed by careful pruning to increase the clearance between the branch tips and the house. Furthermore, the author observed that if a branch were to snap it would go through the roof of the house, we felt that there was still a significant clearance between the tips of the branches and the dwelling as a result of the last pruning regime.
- 3.2.18 The letter of objection also raised issues to do with insurance, but they were not addressed in our response as they are outside our competence.
- 3.2.19 The Order was made because it was felt that the tree had considerable public amenity and because it forms a principle feature of the open space surrounded by the neighbouring properties, and it was visible from further afield. It is also thought that the tree was the reason that the green was retained when the area was developed.
- 3.2.20 A Tree Preservation Order is not be seen as a restriction to appropriate or suitable tree maintenance.

3.2.21 Conclusion

- 3.2.22 It is concluded that the ash tree is an important feature within the local landscape and contributes to the overall amenity of the area.
- 3.2.23 The objections have been considered but it is concluded that the protection of the tree is necessary to avoid the possible extensive work that could be undertaken without statutory protection. Accordingly, it is recommended that the committee confirm Tree Preservation Order No. 232.

3.3 Choices (Options)

- 3.3.1 Option 1 - Confirm the Tree Preservation Order.
- 3.3.2 Option 2 - Allow provisional Tree Preservation Order to lapse without confirmation.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The report does not set new policy and does not have any implication on any existing policies.

4.2 Resources and Risk

- 4.2.1 The tree is under private ownership and is therefore the responsibility of the land owner.

4.2.2 The only financial implications are the serving of the Tree Preservation Order (already served), the confirming of the order (if approved) and officer time dealing with any applications for work to the tree.

4.3 Legal

4.3.1 The tree remains the legal responsibility of the tree owner. The only legal implications are the Council's statutory responsibilities to administer any application for work to the tree.

4.4 Equality

4.4.1 It is not anticipated that including the tree in the Tree Preservation Order will have any direct impact on equalities, community safety, or economic issues or a perceptible impact on the social well-being, leisure and culture, or health issues.

4.5 Consultees (Internal and External)

4.5.1 No additional consultees

4.6 Other Implications

4.6.1 With regard to sustainability, the protection of the tree by tree preservation order should prevent unnecessary pruning or premature removal and thereby ensure its environmental benefits continue for as long as possible.

5. Background Papers

5.1.1 Tree Preservation Order No. 232 land to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT.

5.2 Tree Evaluation Method for Preservation Orders (TEMPO) Survey data sheet and decision guide.

Jonathan Hazell, Arboricultural Officer Ext 8812

Photographs



27 Knights Court



27 Knights Court

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Northampton Borough Council
Tree Preservation Order No. 232
Land to the front of
27 Knights Court, Little Billing,
Northampton 2017**

The Northampton Borough Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the **Tree Preservation Order no. 232, Land to the front of 27 Knights Court, Little Billing, Northampton 2017.**

Interpretation

2. (1) In this Order “the authority” means the Northampton Borough Council.
- (2) In this Order any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and County Planning (Tree Preservation)(England) Regulations 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on 23rd November 2017.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17 or of the Secretary of State in accordance with regulation 23, and where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree(s) identified in the first column of the Schedule by the letter “C”, being a tree/trees to be planted pursuant to a condition imposed under

paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree(s) is/are planted.



James Chadwick
 James Chadwick
 Authorised Officer
 66613

11

TPO232 - Land to the front of 27 Knights Court, Northampton NN3 9AT

29 November 2017
 1:1000 @ A4

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Dated this 23rd day of November 2017

The Common Seal of
NORTHAMPTON BOROUGH COUNCIL
was hereunto affixed
in the presence of—


Authorised Officer *James Chadwick*



6643

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Large mature Ash	See plan

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
A1	None	See Plan

Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	None	See Plan

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
W1	None	See Plan



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

The Secretary
Knights Court Management Co Ltd
45 Sheep Street
Northampton
NN1 2NE

Our Ref: LP/PTP007525
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 23 November, 2017

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 232
LAND TO THE FRONT OF 27 KNIGHTS COURT, LITTLE BILLING, NORTHAMPTON, NN3 9AT

I am obliged to inform you that the Council, as Local Planning Authority for the purpose of the protection of trees within the Borough, has made a Tree Preservation Order in respect of a mature Ash tree to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT.

I am required by the Regulations to serve a Notice on the owner and occupier of the land and every other person who is entitled to fell or carry out works to the trees to which the Order relates or to work by surface working any materials in, on or under the land. Accordingly, I enclose a formal Notice of the making of the Order together with a copy of the Order that includes a plan showing the location of the tree protected under the Order.

If you are no longer the owner of the land or there is an alternative address (please note a copy has also been forwarded to your registered office address), I would be grateful if you could notify me of the details so I can consider whether I should serve any further formal Notices of the making of the Order. For this purpose I enclose a formal Notice requesting this information together with a pre-paid envelope in which to return the completed form, along with second copy of the form for you to keep. **If, however, there are no other persons, other than a mortgage lender, with an interest in the property there is no need for you to return the form.** I nevertheless enclose a copy of the leaflet *Protected Tree: A Guide to Tree Preservation Orders* published by the Government that may answer some of your questions concerning the Order.

Yours faithfully

Lisa Pere
Property Paralegal
Legal Services

Encl.



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

The Secretary
Knights Court Management Co Ltd
Artisans' House, 7 Queensbridge
Northampton
NN4 7BF

Our Ref: LP/PTP007525
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 23 November, 2017

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 232
LAND TO THE FRONT OF 27 KNIGHTS COURT, LITTLE BILLING, NORTHAMPTON, NN3 9AT

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If you are no longer the owner of the land or there is an alternative address (please note a copy has also been forwarded to your Sheep Street office), I would be grateful if you could notify me of the details so I can consider whether I should serve any further formal Notices of the making of the Order. For this purpose I enclose a formal Notice requesting this information together with a pre-paid envelope in which to return the completed form, along with second copy of the form for you to keep. **If, however, there are no other persons, other than a mortgage lender, with an interest in the property there is no need for you to return the form.** I nevertheless enclose a copy of the leaflet *Protected Tree: A Guide to Tree Preservation Orders* published by the Government that may answer some of your questions concerning the Order.

Yours faithfully

Lisa Pere
Property Paralegal
Legal Services

Encl.



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

Alan David Weekes
27 Knights Court
Little Billing
Northampton
NN3 9AT

Our Ref: LP/PTP007525
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 23 November, 2017

Dear Mr Weekes

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 232
LAND TO THE FRONT OF 27 KNIGHTS COURT, LITTLE BILLING, NORTHAMPTON, NN3 9AT

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I am required by the Regulations to serve a Notice on the owner and occupier of the land and every other person who is entitled to fell or carry out works to the trees to which the Order relates or to work by surface working any materials in, on or under the land. Accordingly, I enclose a formal Notice of the making of the Order together with a copy of the Order that includes a plan showing the location of the tree protected under the Order.

If you are no longer the owner of your property or there is a joint owner who resides elsewhere (please note a copy has also been forwarded to Leanne Shelswell), I would be grateful if you could notify me of the details so I can consider whether I should serve any further formal Notices of the making of the Order. For this purpose I enclose a formal Notice requesting this information together with a pre-paid envelope in which to return the completed form, along with second copy of the form for you to keep. **If, however, there are no other persons, other than a mortgage lender, with an interest in the property there is no need for you to return the form.** I nevertheless enclose a copy of the leaflet *Protected Tree: A Guide to Tree Preservation Orders* published by the Government that may answer some of your questions concerning the Order.

Yours faithfully

Lisa Pere
Property Paralegal
Legal Services

Encl.



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

Leanne Shelswell
27 Knights Court
Little Billing
Northampton
NN3 9AT

Our Ref: LP/PTP007525
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 23 November, 2017

Dear Ms Shelswell

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 232
LAND TO THE FRONT OF 27 KNIGHTS COURT, LITTLE BILLING, NORTHAMPTON, NN3 9AT

I am obliged to inform you that the Council, as Local Planning Authority for the purpose of the protection of trees within the Borough, has made a Tree Preservation Order in respect of a mature Ash tree to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT.

I am required by the Regulations to serve a Notice on the owner and occupier of the land and every other person who is entitled to fell or carry out works to the trees to which the Order relates or to work by surface working any materials in, on or under the land. Accordingly, I enclose a formal Notice of the making of the Order together with a copy of the Order that includes a plan showing the location of the tree protected under the Order.

If you are no longer the owner of your property or there is a joint owner who resides elsewhere (please note a copy has also been forwarded to Alan David Weekes), I would be grateful if you could notify me of the details so I can consider whether I should serve any further formal Notices of the making of the Order. For this purpose I enclose a formal Notice requesting this information together with a pre-paid envelope in which to return the completed form, along with second copy of the form for you to keep. **If, however, there are no other persons, other than a mortgage lender, with an interest in the property there is no need for you to return the form.** I nevertheless enclose a copy of the leaflet *Protected Tree: A Guide to Tree Preservation Orders* published by the Government that may answer some of your questions concerning the Order.

Yours faithfully

Lisa Pere
Property Paralegal
Legal Services

Encl.



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

Mr John Socha
Orchard Block Management Services Ltd
Adams House, 1 Adams Avenue
Northampton
NN1 4LQ

Our Ref: LP/PTP007525
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 4th December, 2017

Dear Mr Socha

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 232
LAND TO THE FRONT OF 27 KNIGHTS COURT, LITTLE BILLING, NORTHAMPTON, NN3 9AT

Thank you for your email advising that your company is the managing agent for Knights Court.

I am obliged to inform you that the Council, as Local Planning Authority for the purpose of the protection of trees within the Borough, has made a Tree Preservation Order in respect of a mature Ash tree to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT.

I am required by the Regulations to serve a Notice on the owner and occupier of the land and every other person who is entitled to fell or carry out works to the trees to which the Order relates or to work by surface working any materials in, on or under the land. Accordingly, I enclose a formal Notice of the making of the Order together with a copy of the Order that includes a plan showing the location of the tree protected under the Order.

I enclose a further copy of the leaflet *Protected Tree: A Guide to Tree Preservation Orders* published by the Government that may answer some of your questions concerning the Order, in the event that the one sent to Artisans House has not been forwarded to you, along with a further scanned image of the Order and Notice.

Yours sincerely

Lisa Pere
Property Paralegal
Legal Services

Encl.

Mr Alan Weekes

27 Knights Court
Little Billing
Northampton
NN3 9AT

Phone: 07967 433913

Ref: LP/PTP007525
Tree Preservation Order 232

Date: 01 December, 2017.

▶ **Mr Jonathan Hazell**

Project Officer: Arboriculture
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE
Phone: 01604 838812

Dear Mr Hazell

I received Tree Preservation Order 232 referring to T1 (Ash Tree) on Map TP0232 but I need to object confirming this order.

Please consider my concerns:-

- Foliage and branches close to property.
- It was heavily cut back a couple of years ago due to *branches snapping* but has now grown back with vengeance as suspected by the surgeon at the time.
- If a branch on my side of the tree snapped it will go through the roof above my sons' bedroom and land on the porch.
- The path next to the tree is lifting and cracking due to the roots which also run directly toward my house.
- Recent advice suggests I will likely encounter Remortgage and House Insurance issues.

The eligibility for this order is also questionable, 'it is a considerable public amenity and highly publicly visible', T1 is located at the bottom of a quiet cul-de-sac, only really my son ever sits under it and that's because it is directly outside our house.

It is likely that this Preservation Order was requested by OMS (the Courts Management Company) and only because I asked them to fund a tree surgeon.

I am really concerned that if you confirm Order 232 not only do we leave the possibility of serious damage and financial implication but at the very least I will no longer be able to cut back the Ash Tree away from the house as required and carried out previously.

I therefore request that you cancel this Preservation Order.

Yours faithfully

Mr Alan Weekes

Northampton Borough Council Planning	
Date	12 DEC 2017
File Number	

Northampton Borough Council Planning	
Date	12 DEC 2017
File Number	

19





Alan Weeks
27 Knights Court
Northampton
Northamptonshire
NN3 9AT

Our Ref: ENQ/2017/0764
Contact: Jonathan Hazell
Telephone No: 01604 838790
Email: JHazell@northampton.gov.uk
Date: 27 December 2017

Dear Sir/Madam

PROPOSAL: OBJECTION TO TREE PRESERVATION ORDER 232
LOCATION: 27 KNIGHTS COURT
NORTHAMPTON
NORTHAMPTONSHIRE
NN3 9AT

Thank you for your letter dated 1 December with your concerns about Tree Preservation Order 232.

First, let me put your mind at rest – the Order will not prevent appropriate management, it will simply allow the Council as Local Planning Authority to be comfortable that the pruning proposed is reasonable and proportionate. If you, or others, would like to prune the tree then simply apply, see our webpages for details, <http://www.northampton.gov.uk/trees>.

I understand that you might be concerned by how close the canopy appears to be to your home, but that can be addressed by careful pruning to increase the clearance between the branch tips and the house. I need not tell you of the tree's ability to grow back after pruning as you have written that it has "grown back with a vengeance". In response to your observation that if a branch were to snap it would go through the roof of your house – I believe there to still be significant clearance between the tips of the branches and your home as a result of the last pruning regime. I cannot comment upon your concerns regarding insurance issues other than to observe that the tree has been there longer than the property and the tree's presence may have been noted by third parties before now.

The Order was made because it was felt that the tree had considerable public amenity and because it was very visible from the other twelve properties surrounding the green, as well as from further afield. I also believe that the tree was the reason that the green was retained within the development.

Would you now be prepared to withdraw your objection to the confirmation of the Order? – if so could you advise either in writing or by e-mail at jhazell@northampton.gov.uk If your objection were to stand then a report will need to be prepared for consideration by elected members, the purpose of the report would be to seek their consent for the confirmation of the order which we believe to be "expedient in the interests of public amenity" to quote from the regulations.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours faithfully

A handwritten signature in grey ink that reads "J Hazell". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke extending to the left.

Jonathan Hazell
Planning Officer
Regeneration, Enterprise & Planning

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

Date: 22/11/2017

App:

Mature ash tree to the front of 27 Knights Court, NN3 9AT

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5	Good	Highly suitable	5
3	Fair	Fairly Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only			

b) Retention span (in years) & suitability for TPO

5	100+	Highly suitable	2
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Just suitable	
0	<10*	Unsuitable	

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5	Very large trees with some visibility, or prominent large trees	Highly suitable	5
4	Large trees, or medium trees clearly visible to the public	Suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1	Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

12

5	Principal components of arboricultural features, or veteran trees	5
4	Tree groups, or members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features (inc. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

5	Immediate threat to tree	5
3	Foreseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	22
1 - 6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Appendices 1, 2, 3,
4, 5, 6 and 7.



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. TPO 235, Boughton Green Road, former Park Campus
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AGENDA STATUS: PUBLIC

Committee Meeting Date:
20 March 2018

Policy Document: Not applicable

Directorate:
**Regeneration, Enterprise and
Planning**

Accountable Cabinet Member:
Councillor Tim Hadland

1. Purpose

1.1 To set out the background to and the reasons for making the Tree Preservation Order, provide an outline of Government advice and seek to answer the objections raised to the Order.

2. Recommendations

2.1 That Tree Preservation Order No. 235 be confirmed.

3. Issues and Choices

3.1 Report Background

3.1.1 As part of a routine review of our existing Tree Preservation Orders TPO 204 University of Northampton, Park Campus, Boughton Green Road was found to be unsound. The description of the Groups in Schedule 1 of that Order would have provided totally inadequate tree protection: for example the description of G1 was "Ash, Silver Birch, Oak, Larch, Sycamore, Pine & Horse Chestnut". Provided that one each of those species remained standing within the extent of the G1 as mapped, then the Council would have been powerless to take any enforcement action for unauthorised felling.

- 3.1.2 A series of site visits were made and Tree Preservation Order 235 was served on 24 January 2018. The Order comprises nine groups of trees and one woodland on the site of the University of Northampton Park Campus, Boughton Green Road: the TPO shows the location of the tree groups and the woodland (see Appendix 1).
- 3.1.3 Consideration was given to the master plan for the site when preparing the Order so as to not compromise the development opportunity; for example all of the individual trees protected under Order 204 have been excluded.
- 3.1.4 The Tree Preservation Order was served on the University, Persimmon Homes Midlands and nine others (Appendix 2).
- 3.1.5 A letter from Persimmon Homes Midlands objecting to the Order was received on 13 February (Appendix 3) and a second objection from the University of Northampton was received on 27 February (Appendix 4).
- 3.1.6 Persimmon were concerned that the inclusion of so many of the existing trees, and so the scale of the Order, might prevent development.
- 3.1.7 The University objected to the new Order on the grounds that the established landscape character of the site had been already been secured through the approved Design Code for the site and the existing Order 204. Their letter of objection included a detailed report from an arboricultural consultant on behalf of LUC.
- 3.1.8 The Order remains unconfirmed because of the objections made by both Persimmon Homes Midlands and the University of Northampton.
- 3.1.9 Persimmon Homes Midlands and the University of Northampton have been written to (Appendix 5 and 6) but their objections have not been withdrawn.

3.2 Issues

3.2.1 Government Advice

- 3.2.2 Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 3.2.3 Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.
- 3.2.4 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
- 3.2.5 When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.
- 3.2.6 It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

3.2.7 The Trees

- 3.2.8 A large number of trees are included in the Order; 373 spread across nine groups, and a further 375 in the woodland. The species mix includes both conifers and broadleaves. As noted above consideration was given to the master plan when drafting Order 235.
- 3.2.9 The trees appeared to be in good overall condition and had been subject to routine and thorough management by the University.

3.2.10 The trees have been assessed using TEMPO (Tree Evaluation Method for Preservation Orders). TEMPO is an evaluation assessment to determine a tree's suitability for protection by a Tree Preservation Order. The TEMPO system is open, to a degree, to the interpretation and judgement of the assessor. However, it is recognised in the industry as a defensible method of assessment and is used by many Local Planning Authorities.

3.2.11 The TEMPO system includes an amenity assessment by determining the tree's suitability for a TPO by considering condition, retention span, relative public visibility and other factors. It then considers the expediency and finally provides a decision guide based on the numerical score. The assessment of the tree collections arrived at a score of 20 which definitely merits a TPO (Appendix 7).

3.2.12 Response to objections

3.2.13 In reply to Persimmon, a number of broad observations were made, including the Council's concern that the previous Order 204 was unsound, that a presumption in favour of protection had been adopted, and that planning permission would overrule the TPO.

3.2.14 In reply to the University similar points were made, and some of the arguments from LUC concerning their opinion of the validity of the TPO were challenged. Their conclusion was that "there are inadequate grounds for the proposed TPO in its current form", but we were not persuaded by their arguments.

3.2.15 The Order was made because it was felt that the trees had considerable public amenity as they provide a green backdrop to the current and proposed built form, and because they were visible to the public from within and outside the site.

3.2.16 A Tree Preservation Order is not be seen as a restriction to appropriate or suitable tree maintenance.

3.2.17 The positive case for trees

3.2.18 A Forestry Commission publication from 2010 "The case for trees in development and the urban environment" rehearses the many advantages that trees provide. The foreword states "trees increase economic as well as personal well-being, with property values boosted by their presence" and provide measureable health benefits, as well as economic, environmental and social benefits ([https://www.forestry.gov.uk/pdf/eng-casefortrees.pdf/\\$file/eng-casefortrees.pdf](https://www.forestry.gov.uk/pdf/eng-casefortrees.pdf/$file/eng-casefortrees.pdf)).

3.3 Conclusion

3.3.1 It is concluded that the trees make an immense contribution to the local landscape and contribute to the overall amenity of the area.

3.3.2 The objections have been considered but it is concluded that the protection of the trees is necessary to preserve their amenity and to avoid the possibly extensive removals that could be undertaken without statutory protection. Accordingly, it is recommended that the Committee confirm Tree Preservation Order No. 235.

3.4 Choices (Options)

3.4.1 Option 1 - Confirm the Tree Preservation Order.

3.4.2 Option 2 - Allow provisional Tree Preservation Order to lapse without confirmation.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The report does not set new policy and does not have any implication on any existing policies.

4.2 Resources and Risk

4.2.1 The trees are under private ownership and is therefore the responsibility of the land owner.

4.2.2 The only financial implications are the serving of the Tree Preservation Order (already served), the confirming of the order (if approved) and officer time dealing with any applications for work to the tree.

4.3 Legal

4.3.1 The trees remain the legal responsibility of the tree owner. The only legal implications are the Council's statutory responsibilities to administer any application for work to the trees.

4.4 Equality

4.4.1 It is not anticipated that including the tree in the Tree Preservation Order will have any direct impact on equalities, community safety, or economic issues or a perceptible impact on the social well-being, leisure and culture, or health issues.

4.5 Consultees (Internal and External)

4.5.1 No additional consultees

4.6 Other Implications

4.6.1 With regard to sustainability, the protection of the tree by Tree Preservation Order should prevent unnecessary pruning or premature removal and thereby ensure its environmental benefits continue for as long as possible.

5. Background Papers

5.1.1 Tree Preservation Order No. 235 Boughton Green Road, former Park Campus.

5.2 Tree Evaluation Method for Preservation Orders (TEMPO) Survey data sheet and decision guide.

Jonathan Hazell, Arboricultural Officer Ext 8812

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Northampton Borough Council
Tree Preservation Order No. 235
Boughton Green Road
Former Park Campus
Northampton 2018**

The Northampton Borough Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the **Boughton Green Road, Former Park Campus, Northampton 2018**.

Interpretation

2. (1) In this Order “the authority” means the Northampton Borough Council.
(2) In this Order any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and County Planning (Tree Preservation)(England) Regulations 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on 24th January 2018.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17 or of the Secretary of State in accordance with regulation 23, and where such consent is given subject to conditions, in accordance with those conditions.

Dated this 24th day of January 2018

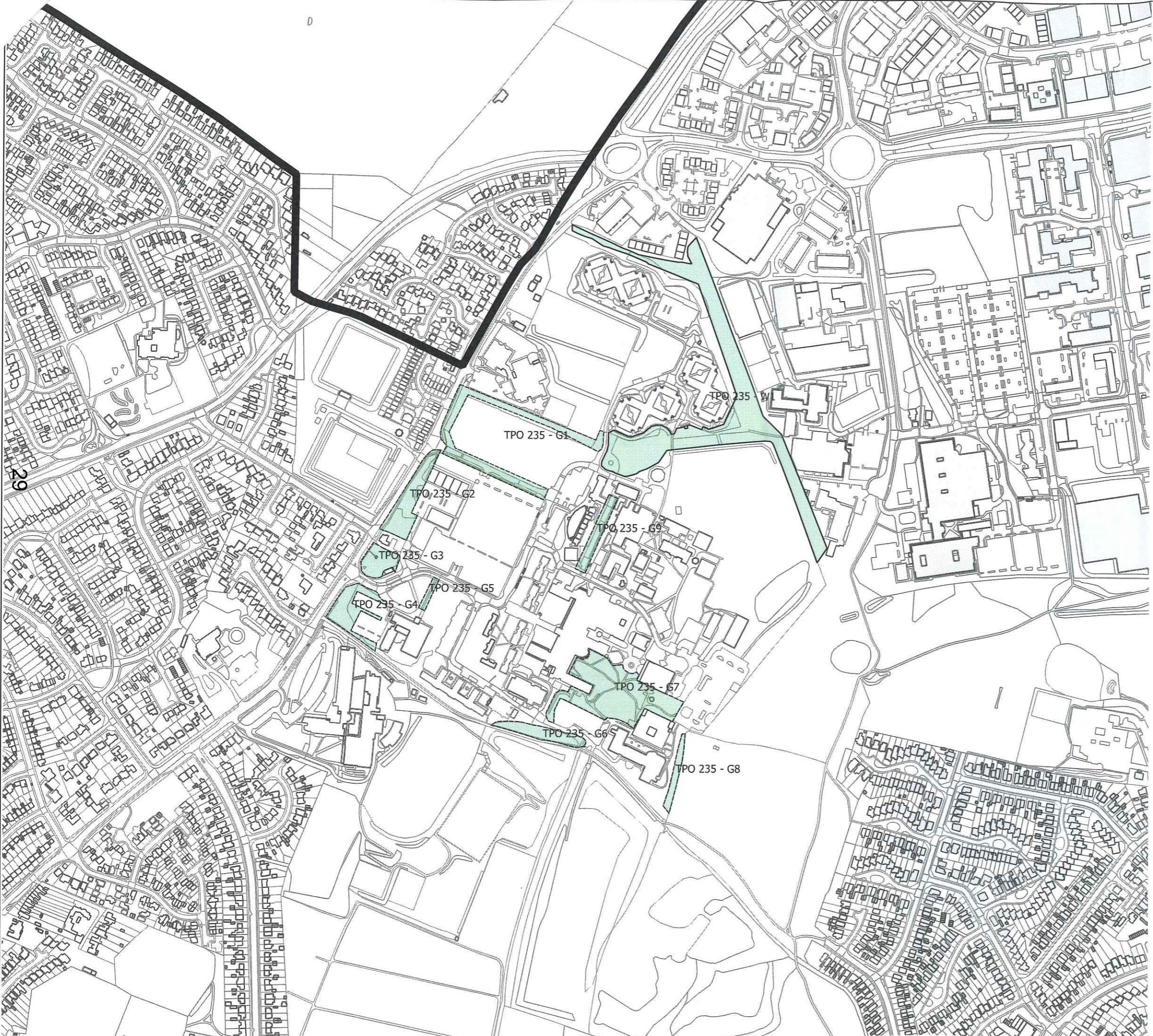
The Common Seal of the Northampton Borough Council
was hereunto affixed in the presence of—

James Chadwick

James Chadwick
Authorised Officer






6691



Built & Natural Environment
 Regeneration, Enterprise & Planning
 Northampton Borough Council
 The Guildhall
 Northampton
 NN1 1DE

TPO No:	235
Address:	Boughton Green Road former Park Campus
Date:	17-01-2018
Scale:	1:5,000 @ A3

-  Individual Trees
-  Group of Trees
-  Woodland



James Chadwick 6691
 James Chadwick
 Authorised Officer

.....
 Authorised Officer

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

None

Trees specified by reference to an area (within a dotted black line on the map)

None

Groups of trees (within a broken black line on the map)

Reference on map	Description	Situation – See Plan in all cases
G1	32 pine trees, 26 lime trees, 8 Norway maple trees, 4 beech trees, 4 hawthorn trees, 3 birch trees, 2 wild cherry and one ash tree, one oak tree, and one pear tree.	
G2	14 lime trees, 5 Norway maple trees, 5 hawthorn trees, 4 copper beech trees, 2 field maple trees, 2 pine, and one ash tree, one crab apple tree, one Hungarian oak tree, one birch tree and one Swedish whitebeam tree.	
G3	6 Norway maple trees, 5 lime trees, 4 hawthorn trees, 3 holly trees, 3 sycamore trees, 2 Atlantic cedar trees, and one pine tree, one copper beech tree, and one silver maple tree.	
G4	16 birch trees, 9 pine trees, 6 lime trees, 4 Swedish whitebeam trees, 3 larch trees, 2 beech trees, 2 wild cherry trees, and one ash tree, one holly tree, one mountain ash tree, one poplar tree and one sycamore tree.	
G5	19 lime trees.	
G6	10 sycamore trees, 5 lime trees, 4 beech trees, 3 holly trees, 2 ash trees, and one false acacia tree, one pine tree, one walnut tree, and one yew tree.	
G7	13 sycamore trees, 11 oak trees, 5 pine tree, 2 birch tree, 2 Cedar of Lebanon trees, 2 evergreen oak trees, 2 giant redwood trees, 2 hornbeam trees, and one ash tree, one box elder tree, one coast redwood tree, one hawthorn tree, one holly tree, one horse chestnut tree, one lime tree and on red horse chestnut tree.	
G8	21 sycamore trees, 14 pine trees, 2 larch trees and 2 Norway maple trees.	
G9	20 pine trees, 7 ash trees, 3 wild cherry trees, and one box tree, one field maple tree, one hawthorn tree, one larch tree and one wild cherry tree.	

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation – See Plan in all cases
W1	Mixed conifers and deciduous species, mainly pine, ash and sycamore, but including oak, horse chestnut, larch, plum, goat willow and field maple.	



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

The Secretary
The University of Northampton
Sunley Management Centre
Park Campus
Boughton Green Road
Northampton NN2 7AL

Our Ref: LP/PTP007593
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 24 January, 2018

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 235
BOUGHTON GREEN ROAD, FORMER PARK CAMPUS, NORTHAMPTON 2018

I am obliged to inform you that the Council, as Local Planning Authority for the purpose of the protection of trees within the Borough, has made a Tree Preservation Order in respect of several groups of trees and a woodland at Boughton Green Road in Northampton.

I am required by the Regulations to serve a Notice on the owner and occupier of the land and every other person who is entitled to fell or carry out works to the trees to which the Order relates or to work by surface working any materials in, on or under the land. Accordingly, I enclose a formal Notice of the making of the Order together with a copy of the Order that includes a plan showing the location of each tree protected under the Order.

If you are no longer the owner of your property (in the event that a recent transfer is yet to be registered with the Land Registry), I would be grateful if you could notify me of their details so I can consider whether I should serve on them a formal Notice of the making of the Order. For this purpose I enclose a formal Notice requesting this information together with a pre-paid envelope in which to return the completed form, along with second copy of the form for you to keep. **If, however, there are no other persons, other than a mortgage lender, with an interest in the property there is no need for you to return the form.** (Please note that an Interest In Land form is enclosed in respect of each of the titles registered to you in the area that are affected by the Preservation Order). I nevertheless enclose a copy of the leaflet *Protected Tree: A Guide to Tree Preservation Orders* published by the Government that may answer some of your questions concerning the Order.

Yours faithfully

Lisa Pere
Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

The Secretary
Taylor Wimpey UK Limited
Gate House, Turnpike Road
High Wycombe
HP12 3NR

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

Date: 24 January, 2018

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Legal Services



NORTHAMPTON
BOROUGH COUNCIL

FIRST CLASS RECORDED

The Secretary
Persimmon Homes Limited
Persimmon House
Fulford
York YO19 4FE

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

Date: 24 January, 2018

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Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

Northamptonshire Association of Youth Clubs
Kings Park Conference & Sports Centre
Kings Park Road
Northampton
NN3 6LL

Our Ref: LP/PTP007593

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

Date: 24 January, 2018

Dear Sir/Madam

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Lisa Pere
Property Paralegal
Legal Services

PTP007593/00303676



NORTHAMPTON
BOROUGH COUNCIL

The Secretary

BLC Leather Technology Centre Limited
Kings Park Road,
Moulton Park
Northampton
NN3 6JD

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

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Yours faithfully

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Property Paralegal
Legal Services



NORTHAMPTON
B O R O U G H C O U N C I L

The Secretary
The Official Custodian for Charities
The Becketts & Sargeants Educational Foundation
c/o Messrs Becke Phipps
7 Spencer Parade
Northampton
NN1 5AB

Our Ref: LP/PTP007593
Your Ref:
Contact: Lisa Pere
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The Secretary

Northamptonshire Association of Youth Clubs
Kings Park Road
Moulton Park
Northampton
NN3 6RU

Our Ref: LP/PTP007593

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

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NORTHAMPTON
BOROUGH COUNCIL

The Secretary
Pall Mall 3 Limited
New Burlington House
1075 Finchley Road
London NW11 0PU

Our Ref: LP/PTP007593
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
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Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

The Secretary

Salvesen Insulated Frames Limited
Old Church Chambers
23-24 Sandhill Road
Northampton NN5 5LH

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

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Lisa Pere
Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

The Secretary

Westleigh Office Park Management Company Ltd
Tudorgate
Grange Business Park
Enderby Road
Whetstone
Leicester LE8 6EP

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

Date: 24 January, 2018

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I am required by the Regulations to serve a Notice on the owner and occupier of the land and any adjoining landowners who may fell or carry out works to the trees to which the Order relates or to work by surface working any materials in, on or under the land. Accordingly, I enclose a formal Notice of the making of the Order together with a copy of the Order that includes a plan showing the location of each tree protected under the Order.

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Yours faithfully

Lisa Pere
Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

Derek Goswick Westaway

Sulby Abbey
Naseby Road
Welford
NN6 6JA

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

Date: 24 January, 2018

Dear Mr Westaway

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 235
BOUGHTON GREEN ROAD, FORMER PARK CAMPUS, NORTHAMPTON 2018

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Lisa Pere
Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

Jennifer Ann Westaway

Purlieu Farm
Thornby Road
Naseby
NN6 6BY

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

Date: 24 January, 2018

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Yours faithfully

Lisa Pere
Property Paralegal
Legal Services



NORTHAMPTON
B O R O U G H C O U N C I L

The Secretary
UK Leather Federation
Kings Park Road
Moulton Park Industrial Estate
Northampton
NN3 6JD

Our Ref: LP/PTP007593
Your Ref:
Contact: Lisa Pere
Direct Line 01604 837339
E-mail: lpere@northampton.gov.uk
Date: 24 January, 2018

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO. 235
BOUGHTON GREEN ROAD, FORMER PARK CAMPUS, NORTHAMPTON 2018

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Property Paralegal
Legal Services



NORTHAMPTON
BOROUGH COUNCIL

Northamptonshire County Council

Asset Management
One Angel Square
4 Angel Street
Northampton
NN1 1ED

Our Ref: LP/PTP007593

Your Ref:

Contact: Lisa Pere

Direct Line 01604 837339

E-mail: lpere@northampton.gov.uk

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Yours faithfully

Lisa Pere
Property Paralegal
Legal Services

Our ref: University of Northampton – TPO 235

13th February 2018

Mr. Jonathan Hazell
Project Officer: Arboriculture
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

**Northampton Borough Council
Tree Preservation Order: No. 235
Boughton Green Road, Former Park Campus**

Dear Mr. Hazell,

Thank you for notifying Persimmon Homes that Northampton Borough Council has served a provisional TPO under section 198 of the Town and Country Planning Act 1990 on eight groups of trees and one woodland belt at the University of Northampton's Park Campus.

As you are aware Persimmon Homes has some interest in the site as it owns a small section on the western edge and it is currently in discussions with the landowners to purchase the site for residential development. There is an outline planning permission for the site and significant work has already been undertaken to assess the trees on site and identify those worthy of retention. Outline planning permission for the site was granted under application N/2014/0475 and a master plan for the site was approved as part of Condition 8 of that permission on 15/05/2017.

Whilst Persimmon Homes understands the desire of Northampton Borough Council to protect the existing trees on site the scale and complexity of the provisional TPO served will make it extremely difficult for Persimmon Homes to follow the approved master plan and, ultimately, create a layout for the site which will sustain and enhance the area for decades to come.

The outline planning permission (N/2014/0475) has a condition, Condition 11, which Persimmon Homes believes is sufficient to ensure that those trees that are worthy of preservation are retained on site without stifling the development of the site or detrimentally affecting the optimum layout of the site. The proposed TPO is an added obstacle which will prevent the regeneration of the site and we do not believe it is required.

However, it is appreciated that Persimmon Homes do not have full control or responsibility of the site at present and therefore if you do still insist on confirming the Order it would be appreciated if you could take the following comments on board before the Order is formally confirmed:

Group 1

This group contains numerous trees which are located very close to the access road which runs in a southeast direction from the roundabout on Boughton Green Road. In the tree survey submitted with the outline planning application the lime trees and Norway maples numbered 452-475 are classed as small and young mature. They make little visual contribution to the area but more importantly the location of these trees prevents the necessary road widening and reconstruction of this access road into the development. It is therefore requested that these lime trees are removed from the Group 1 TPO prior to confirming the Order. Trees 575-586 should also not be included as they may prevent access to the north of the site.

Group 4

The eastern sections of Group 4 are located in an area that is shown in the master plan in the outline permission as one of the secondary streets. There are various species in this area that are included within the TPO and to retain these trees would prevent this part of the development from being constructed in accordance with the approved master plan (Condition 8 of N/2014/0475). It is therefore requested that the following trees are not included within the Group 4 TPO:

362-370 (Stags Horn, Rowan, Swedish Whitebeam, Birch and Larch)
389-396 (Birch, Swedish Whitebeam, Goat Willow and Western Balsam Poplar)
398-417 (Lime, Birch, Black Pine, Swedish Whitebeam, Sycamore and Beech)

Group 5

Again, the master plan indicates that a road is planned to be located at the northern tip of this row of trees. It is therefore kindly requested that the northernmost specimens of this group are removed from the TPO, primarily 333, 334, 350 and 351 (Limes).

Group 6

The western section of this group includes three individual trees that are located close to or on a critical surface water attenuation pond. The trees affected are 283, 284 and 285 (one Lime and two Ash trees). Final drainage calculations have not yet been completed and it may be that this whole group has to be felled to enable the provision of the attenuation pond.

Group 7

Again, the western section of this group is located close to a proposed attenuation pond that is essential to the development. As such the following trees are affected:

244-250 (Horse Chestnut and Sycamore)
251-256 (Cherry Plum and Sycamore)

The Oak (41) and Birch (201) are also located on areas identified in the master plan as secondary roads to serve the development and therefore should not be included within Group 7.



Woodland 1

The approved master plan identifies an estate road running along the northern edge of the section of woodland belt which runs east-west and also another estate road on the western edge of the north-south belt to the north of this area. The approved master plan also identifies a drainage pond in the northeast corner of the site, all of which are approved under the outline planning permission and all of which would now require the removal of some of the trees covered by this TPO. We believe these areas of trees should be excluded from the Woodland TPO as development which affects these trees is already approved. The northeast corner in particular is likely to require significant tree removal as the attenuation pond and drainage in this area will be far larger than the master plan indicates.

Also, the trees on the western end of the woodland TPO should be excluded. Some of these may need to be removed to facilitate the location of access roads depending on the requirements of the Local Highways Authority.

A plan of the trees covered and a copy of the tree report is included with this letter to aid your consideration of the abovementioned points. In addition a copy of the approved master plan is provided, as is a plan showing our proposed layout for the site to help you identify trees that would need to be felled in order that the development is carried out in accordance with the approved master plan.

Summary

As a responsible developer Persimmon Homes understands the Council's desire to protect the existing trees on the University of Northampton Park Campus. However, some of the specimens included within the groups of TPO's would prevent delivery of the scheme based on the previously granted outline planning permission (N/2014/0475). As such we politely request that the trees identified above and highlighted on the BHA Trees drawing are removed from the TPO before confirmation so that the outline planning permission and TPO 235 align.

Persimmon Homes will seek to retain as many of the existing trees on site as possible. Wherever possible the trees identified above will be retained and therefore the exclusion of those trees from the TPO does not indicate that it is a certainty that they will be felled. We simply want to ensure that the TPO and outline planning permission align and that there is no duplication of work for Northampton Borough Council, given that a thorough Tree Report was included with the outline permission for this site and that Persimmon Homes are bound by the requirements of Condition 11 of that outline permission.

I welcome any thoughts or comments you may have regarding our representations and I am happy to arrange a meeting on site to informally discuss the details of the Order before it is formally confirmed if you believe it would be helpful.

Yours sincerely,

Alan Davies
Senior Planner

Encs.

**Proposed Tree Preservation Order 234
Boughton Green Road, Former Park Campus**

Response to Formal Notice Dated 24th January 2018

Prepared for The University of Northampton

LUC with SJ Stephens Associates
February 2018

Project Title: Proposed Tree Preservation Order 234 – Boughton Green Road, Former Park Campus.
 Response to Formal Notice Dated 24th January 2018

Client: University of Northampton

Version	Date	Version Details	Prepared by	Checked by	Approved by Director
1.0	22.02.18	First Issue	Rhys Jones	Richard Hannay	Richard Hannay
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PROPOSED TREE PRESERVATION ORDER 234 – BOUGHTON GREEN ROAD, FORMER PARK CAMPUS: RESPONSE TO FORMAL NOTICE DATED 24TH JANUARY 2018

Background

- 1.1 The University of Northampton has reviewed the proposed Tree Preservation Order 234 and is as a result making an OBJECTION to the proposed TPO on a number of grounds. This document supports the OBJECTION on the basis of arboricultural and landscape grounds.
- 1.2 The site is already covered by an existing TPO made in 2013. This would be replaced by the proposed TPO 234.
- 1.3 The review has been undertaken by Simon Stephens of SJ Stephens Associates, an Arboricultural Association Registered Consultant and Richard Hannay, director at LUC environmental planners and designers. Site survey was undertaken in February 2018.

Making Tree Preservation Orders

- 2.1 The Department for Communities and Local Government document **Tree Preservation Orders: A guide to the law and good practice** sets out the criteria and procedures to be followed when making a TPO. Chapter 3 sets out the purpose of TPOs.
- 2.2 **Para 3.1** describes how a local planning authority can make a TPO if it is deemed 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 2.3 **Paras 3.2 and 3.3** define 'amenity'. This definition is dependent on three criteria:
 - Visibility,
 - Individual impact, and
 - Wider impact
- 2.4 **Visibility:** visibility by the 'general public' is the initial overriding criteria. If trees 'cannot be seen or are just barely visible from a public place a TPO might only be justified in exceptional circumstances' **Para 3.3(1)**). We consider there are no exceptional circumstances hence visibility is crucial. Only if trees are considered to have sufficient visibility is their potential removal to be considered on the basis of the impact of their removal

2.5 **Individual impact:** 'The mere fact that a tree is publically visible will not itself be sufficient to warrant a TPO' (**Para 3.3(2)**). It is expected that the local planning authority will assess the tree's particular importance (size, form, future amenity, value as a screen or contribution to the character or appearance of a conservation area). Where groups of trees are concerned assessment should be made of its collective impact.

2.6 **Wider impact:** this should consider the significance of the trees in their local surroundings, their suitability to their particular setting and other trees in the vicinity.

2.7 Even if trees satisfy the above criteria a TPO will only be appropriate if it is shown that it is expedient. **Para 3.5** lists some of the risks that might make a TPO expedient. These include general risks from development pressures and changes in ownership.

Review of the proposed TPO

3.1 Our review comprises two parts. Part 1 comments in relation to the above purpose and criteria, and Part 2 is a detailed analysis of each of the proposed TPO groups.

Part 1: Review against purpose and criteria

Visibility

4.1 The extent of visual access by the general public has not changed since the original 2013 TPO. The site remains a university campus which although private land does include amenities that are accessible by the public (the shop, library, catering facilities and permissive access to adjacent recreational facilities). There is no public parking on site.

4.2 The amenity of the site is most accessible to the general public using Boughton Green Road and, to a lesser extent, users of the public footpath running along the southern site boundary of the campus. Views (and therefore the enjoyment of the amenity) of the majority of the site are screened significantly by tall and thick tree screens along Boughton Green Road and high boundary walls. Whilst these tree belts provide significant amenity for those on Boughton Green Road, views into the site are limited to the two road entrances and a limited number of other restricted views.

4.3 Similarly the PROW is bounded to the north by a substantial hedge for much of its boundary with the campus with hedge and trees screening views into the campus itself.

4.4 Within the site substantial woodland belts provide further subdivision of spaces to which is added in places numerous other trees. Taken together, the perimeter screening, internal subdivisions and foiling of views by individual trees, result in inward views that are invariably restricted in extent.

- 4.5 **Contribution to local environment:** Within the local context there is awareness of tree groups within the site but this is mainly limited to views of the tops of taller trees (in particular the tree belts) and trees closer to the edges of the campus. This is acknowledged as a benefit to the local environment.
- 4.6 **Proposed change of use and impact on visibility of site:** The proposed change of land use to housing will not substantially change the overall visibility of the site's trees. The site will retain its strong perimeter screening, its internal subdivisions and the great majority of its trees.
- 4.7 Visual access from the perimeter will remain broadly unchanged. The extent of access to the general public within the site will of course change. Some areas will have a greater degree of public access, many others will become private. On balance it is likely that visual access to the site's trees will not change substantially.
- 4.8 The contribution of the site's trees to the local environment will remain unchanged.
- 4.9 **Changes since 2013:** It follows that the visibility of the site's trees remains similar to that when the site was assessed for the 2013 TPO.
- 4.10 Given the short time since the making of the 2013 TPO it is unlikely that the importance of either the individual trees or tree groups will have changed in the interim.
- 4.11 It follows that the amenity of the site is similar to that in 2013 and that this amenity will not change significantly with the proposed change of use.

Expediency

- 4.12 The local authority includes in its reasons for the 2018 TPO the proposed change of use and the resultant change of management. The implication is that this will result in increased risk of damage or removal of the trees on site. Our comments are:
- Significant levels of protection are already provided through the 2013 TPO
 - Development of the site will be in accordance with the approved Outline planning permission and the approved Design Code. Both acknowledge the importance of trees within the site and have used the principal tree groups as a critical informant of the site plan and landscape strategy. The Design Code includes particular detailed undertakings in relation to tree retention.
 - Large and visually intrusive existing buildings will be replaced by smaller less intrusive dwellings
 - The ad hoc nature of the current campus including largescale and intrusive parking areas will be replaced by a layout based on best practice urban design principles with a fully integrated landscape masterplan.
 - Proposals will include appropriate protection of retained trees and substantial new tree planting.

- Areas outside private curtilages will be subject of professional landscape management carried out in accordance with an approved Landscape Management Plan
- All proposals will be subject of submissions to the local planning authority for approval prior to construction

4.13 It should be noted that in some instances such as the road network accessed via the northern site entrance from Boughton Green Road there are apparent requirements from other parts of the local planning authority and the highways authorities that conflict with the proposed TPO. This is covered by other Objections.

Summary of detailed review by proposed group

5.1 **Group 1, existing group TPO (Group G1b) and 3 proposed extensions (G1a, G1c and G1d) to perimeter tree belts in north-west corner of site:** All accepted except proposed extension Group G1d. Reasons for objection as follows:

- 5 of the trees are considered of inappropriate quality
- The trees do not make a cogent group
- Their amenity value and contribution to local landscape character is insufficient to warrant inclusion in a TPO
- Some of the trees are required to be removed to provide road widths in the proposed developments as required by the highway authority and to meet the approved Design Code.

The developer would endeavour to retain trees where reasonably possible and would consider translocation of trees to other locations within the development where trees cannot be retained in situ.

5.2 **Group 2, Tree belt parallel with Boughton Green Road boundary between North Entrance and Lodge:** All sections are proposed extensions to the 2013 TPO. All are accepted, except area G2d. Reasons for objection are:

- A group TPO is not justified owing to the low number and widespread nature of TPO qualifying trees

There are three trees appropriate for TPO (T3336/337/337a) and it is proposed these are protected by individual TPOs. Further investigation is required to understand whether there is a clash between approved development proposals and T337a, in which case this tree could either be removed from the TPO or translocation opportunities can be investigated.

- 5.3 **Group 3, area parallel to Boughton Green Road boundary between Lodge and South Entrance:** Divided into 3 sub areas in our review. One Group G3a consisting of six TPO grade trees immediately south of the Lodge is acceptable. The other two are not because:
- Group G3b, Norway Maples on mound behind Reception Building: these trees make little contribution to visual amenity or local character being heavily obscured by other trees within Group 3a, are in urgent need of thinning, and are likely to be damaged during demolition of the Reception Building. The proposed trees are neither appropriate for individual or group TPO
 - Group G3c, remainder of Group G3: not considered a group because the area is mainly mown grass with scattered trees and only a few trees in the currently proposed group are suitable for TPO. Two individual TPOs are proposed to cover trees 354 (cedar) and 355 (lime)
- 5.4 **Group 4, South-west corner of site:** An existing TPO with three areas of proposed extension. Two of these proposed extensions are not accepted and the third is suggested as individual TPOs for the following reasons:
- Group G4b: mostly mown grass with two unexceptional Sorbus (two others have been removed since the 2013 tree survey). The trees make no contribution to screening, visual amenity or local character
 - Group G4c: six trees and a Rhus (shrub) with issues of health, form and longevity. The trees provide little screening, or visual amenity or contribution to local character and are not considered suitable for TPO.
 - Group G4d: the trees form a line immediately inside the site boundary and do not occupy the area as shown on the proposed TPO (which is mown grass). It is suggested that either the area is appropriately reduced or the trees are subject to individual TPO.
- 5.5 **Group 5, close planted double line of 19 limes:** TPO quality agreed as a group feature but TPO proposal conflicts with approved Design Code which shows all trees retained except for four trees at the northern end which are removed to accommodate one of the principal access roads of the development. These removals would not significantly reduce the amenity provided by the group. We suggest the extent of the group TPO is adjusted to match the Design Code.
- 5.6 **Group 6, southern site boundary, mixed group of trees:** Existing TPO. Proposed Group TPO accepted.

5.7

Group 7, south-east corner of site: existing TPO with proposed extensions to east and south-west. We have divided the proposed extensions into 5 areas (see plan 682-G4.5). None of the proposed extensions are currently acceptable for the following reasons:

- Group G7b: this consists of only four trees, three of which have issues of potential stability. The visual amenity of these trees is limited as they are hidden by Group 6 to their immediate south. We consider this proposed extension should be removed.
- Group G7c: this consists of two small Prunus which do not warrant protection as they provide very little, if any, amenity
- Group G7d: this consists of four sycamore immediately adjacent to the existing group TPO. None have especial qualities per se or through their contribution to visual amenity or local character that warrant TPO protection.
- Group G7e: extensive mown grass with two trees – both sycamores of limited lifespan. Their amenity and contribution to local character is very limited.

Trees in the above groups are in an area proposed as a SUDS attenuation zone in the approved Design Code. This area will double as a local park. The area has been chosen as the lowest point on the site and this proposed function cannot therefore be relocated. There is consequent direct conflict between the proposed TPO extension and the approved Design Code which will provide essential public amenity and safeguarding. The Design Code shows retention of selected existing trees where possible in conjunction with this SUDS function.

If the proposed TPO extension is removed, the developer will maximise the retention of trees with the greatest amenity in this area where practically and reasonably possible.

Group G7f: the majority of this large area is mown grass. The relatively few trees do not constitute a group and individual TPOs would be more appropriate. As our survey details, many of these trees have structural issues (which will limit their lifespan) and are unsuitable for TPO. As a result only one tree (T41 oak) is considered suitable for individual TPO. The other possible tree – a birch (T107) is considered to have insufficient amenity per se, to offer little by way of screening and character and to have a limited life expectancy.

5.8 **Group 8, trees along south-east boundary:** Accept.

5.9 **Group 9, pine belt in centre of site:** Accept

5.10 **Woodland 1, extension to existing TPO along northern edge of trees due south of student residences:** our survey has split this proposed extension into six sub areas (see plan 682-04.2). None of the proposed extension is acceptable for the following reasons:

- Sub areas W1a/c/e consist almost entirely of close mown grass with few, invariably small, trees. These trees make no contribution to local character or amenity and should be excluded from the proposed TPO extension
- Sub-areas W1b/d/f consist mainly of low, mainly shrub, planting of species that will have limited height even when mature. There are a small number of trees scattered within these areas the majority of which have distorted crowns and lean heavily because of the shady environment.

We do not consider these areas to be extensions of the woodland as they are outwith the boundary to the wood, have very little overlap of species with those in wood, and provide no contribution to local character or visual amenity per se, or any meaningful addition to the amenity provided by the woodland itself. [W1f is inside the fenced area]

None of these areas are suitable extensions to the existing woodland TPO.

The development proposals and trees

- 6.1 The approved development proposals as set out in the Outline planning application and Design Code are based on a good understanding of the site's assets and context. Trees are considered one of the site's principal assets providing both distinctive character and good screening particularly on the perimeter. Maximising the retention of trees generally - and those of the highest quality in particular - has been a key objective throughout design development. Retained trees are recognised as providing an important immediacy and character in the next stage of the life of this site.
- 6.2 Considerable effort has gone into the integration of an appropriate and feasible site plan with existing trees. The result is a design that retains the great majority of trees on the site irrespective of whether they are covered by the 2013 Tree Preservation Order. There are, of course, trees that need to be removed because they simply prevent feasible development, but these removals are limited in number and impact, so that the local environmental character will not be significantly affected.
- 6.3 The proposals include substantial tree planting both to enhance and strengthen existing tree groups and to create new and sustainable plantings. Other proposals include provision of essential facilities such as play, open space and SuDS in each case working with and retaining existing trees.

Conclusion

7.1

We consider that the above analysis indicates there are inadequate grounds for the proposed TPO in its current form. We hope that the local planning authority will reconsider their position in the light of these comments and this overall OBJECTION. We consider it would be highly beneficial for a meeting between suitable representatives of the University and Council and note that this would be as recommended in Para 3.37 of the Tree Preservations Guide.

LUC

23rd February 2018

Annex 1: SJ Stephens TPO Assessment

New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G1a	N	Good quality group of semi-mature norway maple and cherry, approximately 8m in height.	Y	Accept
G1b	Y	<p>Double row of mature pine tree, up to 21m in height, growing along edge of sports pitch. Life expectancy approximately 10-25 years. Majority showing good vigour. T246 is leaning heavily to south east. High visual prominence, however apart from a few reasonable quality, semi-mature beech and birch at the western end, there are very few trees of future landscape value coming through underneath.</p> <p>Understorey mainly elder, occasional shrubby oak and blackthorn. Pine have high canopies and the understorey is intermittent, so only partial screening of buildings on adjacent site. There is an opportunity to infill with standard trees in gaps between pines, with some clearance of understorey, to make possible. Tree survey generally accurate, although occasional trees e.g. T273, wrongly down graded -should be B category.</p>	Y	Accept
G1c	N	A mature pear (T278), together with a group of early mature lime and norway maple. Reasonable quality and in a prominent landscape location alongside road, screening site from residential development on other side of road. T285 and T86, are lower quality, with stems that bifurcate, with future risk of breakout. Many of the other lime contain tight forks, which increase risk of future failure, but typical of species and trees likely to grow on for greater than 40 years.	Y	Accept

New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G1d	N	Partial lime avenue - trees 4-6m in height at approximately 9m spacing. Largest tree, T292, has a stem diameter of 260mm. T295 - structural weakness, T298 - leaning. T301a - missing from survey- 4m in height, 125mm diameter, 3m crown diameter, poor structure. T304- alder- should be removed. T305 acute lean. T301 all side branches to north removed for traffic. Incomplete arboriculture feature.	N	A group TPO is not considered justifiable because of the weakness of the feature, the fact that they do not act as a group and the number of trees in a condition not suitable for a TPO.
G2a	N	Six good quality early mature lime- approximately 11m in height and up to 300mm stem diameter (T307-T311 and T313).	Y	Accept
G2b	N	Four mature lime growing outside boundary wall, alongside road (T337b, T337c, T337d, and T337e). All showing deadwood, but still warrant protection.	Y	Accept, but better as Individual TPOs. Presumably outside university ownership.
G2c	N	Three lines of trees- lime, norway maple, birch and beech- mixed quality, but some good trees- in particular the beech, T324 and T333. Reasonable quality trees, with legitimate, but not overwhelming, claim to group protection.	?	Accept, if considered essential. There are grounds for individual TPOs for T323 and T324.

New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G2d	N	<p>Remainder of G2 contains some good quality individual trees, two "thicket" blocks (see photo p4), self sow saplings and declining thorn. Individual trees include:-</p> <ul style="list-style-type: none"> - T335 a mature apple- stem completely hollow. Attractive stand alone tree, but with a life expectancy of only approximately 10 years, does not warrant a TPO. - T337a, a good quality semi mature oak, which warrants individual protection. At 320mm diameter - it is too big to transplant with a tree spade, but transplanting could be possible but at significant cost. - T337 a mature lime, which warrants individual protection. - T336, a good quality individual beech which warrants individual protection 	N	<p>A group TPO is not justified, however individual TPOs are justified for T336, T337 and T337a - although could possibly suggest relocating T337a if there is an unavoidable clash with the developers proposals.</p>
G3a	N	<p>T339, T340, T342, T343, T343 and T357- good quality mature trees, in prominent location, which warrant protection.</p>	Y	<p>Better protection if shown as individual trees</p>
G3b	N	<p>11 Norway maple- approximately 12.5m, 120- 280mm diameter- growing at close spacing on mound, behind reception building. Forming a group, but low quality trees that do not provide particular visual amenity and will require heavy thinning. The mound is an anomaly.</p>	N	<p>The poor quality of the trees make neither a group, nor individual, TPOs justifiable.</p>
G3c	N	<p>Mown grass with individual trees. Trees that are of suitable quality to justify for protection within the proposed TPO are:-</p> <ul style="list-style-type: none"> -T355 - a semi mature lime 9m in height with a 260mm diameter. Reasonable tree, despite twin leaders. -T354 - an 8m cedar in a prominent position- warrants protection. T356 lime- twin leaders, included bark and basal decay - should not be protected. 	N	<p>A group TPO is not justified, however individual TPOs are possibly justified for T354 and T355.</p>

New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G2d	N	Remainder of G2 contains some good quality individual trees, two "thicker" blocks (see photo p4), self sow saplings and declining thorn. Individual trees include: - T335 a mature apple- stem completely hollow. Attractive stand alone tree, but with a life expectancy of only approximately 10 years, does not warrant a TPO. - T337a, a good quality semi mature oak, which warrants individual protection. At 320mm diameter - it is too big to transplant with a tree spade, but transplanting could be possible but at significant cost. - T337 a mature lime, which warrants individual protection. -T336, a good quality individual beech which warrants individual protection	N	A group TPO is not justified, however individual TPOs are justified for T336, T337 and T337a - although could possibly suggest relocating T337a if there is an unavoidable clash with the developers proposals.
G3a	N	T339, T340, T342, T343, T343 and T357- good quality mature trees, in prominent location, which warrant protection.	Y	Better protection if shown as individual trees
G3b	N	11 Norway maple- approximately 12.5m, 120- 280mm diameter- growing at close spacing on mound, behind reception building. Forming a group, but low quality trees that do not provide particular visual amenity and will require heavy thinning. The mound is an anomaly.	N	The poor quality of the trees make neither a group, nor individual, TPOs justifiable.
G3c	N	Mown grass with individual trees. Trees that are of suitable quality to justify for protection within the proposed TPO are:- -T355 - a semi mature lime 9m in height with a 260mm diameter. Reasonable tree, despite twin leaders. -T354 - an 8m cedar in a prominent position- warrants protection. T356 lime- twin leaders, included bark and basal decay - should not be protected.	N	A group TPO is not justified, however individual TPOs are possibly justified for T354 and T355.

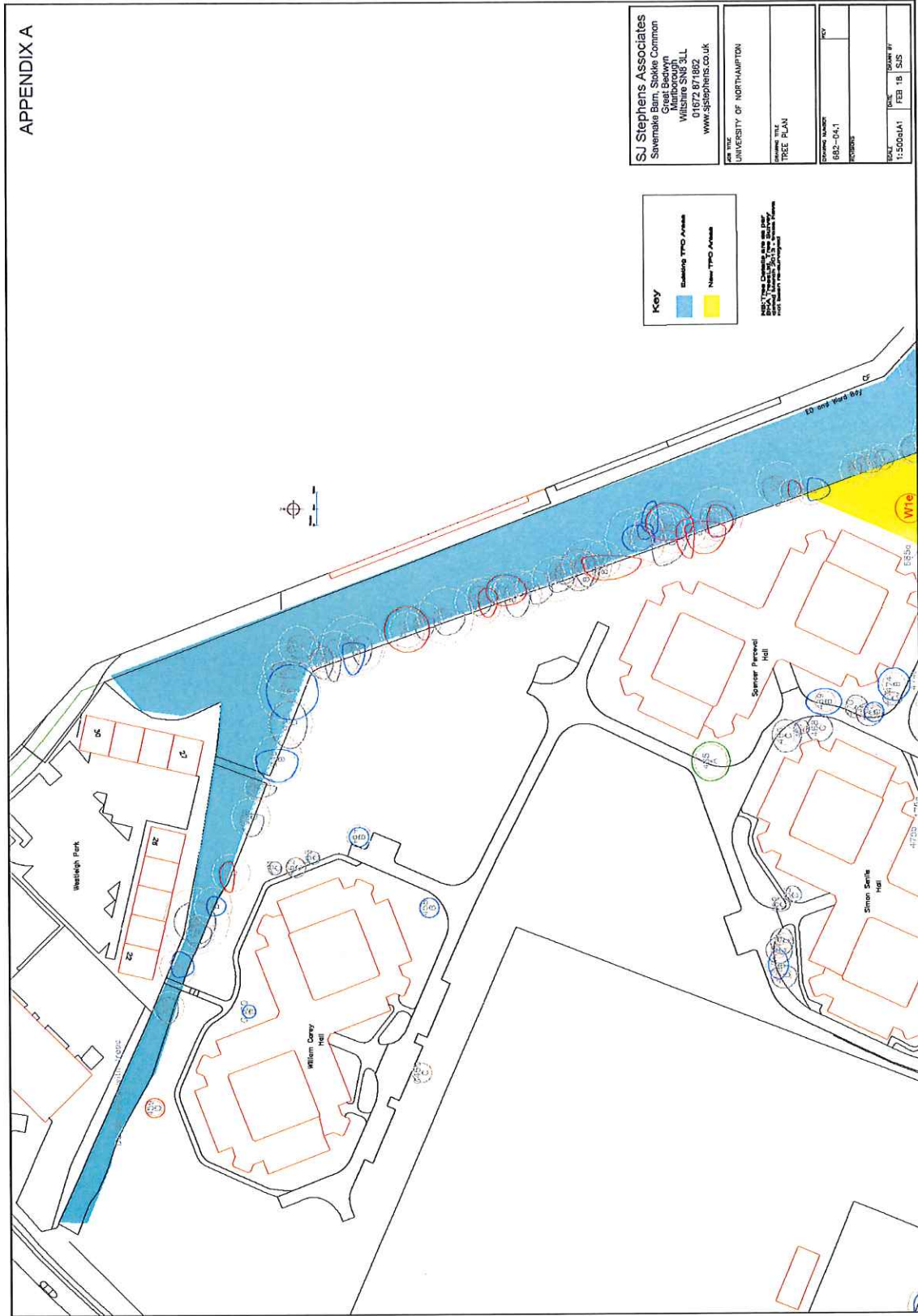
New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G4a	Y	Six mature pine- providing good visual amenity .South west corner- almost entirely drawn up birch growing through dense undergrowth, with a large clump of laurel, between T430 and T426. South west corner requires management- thinning out low quality trees and clearing undergrowth to allow infill planting with new standard trees. T430- showing good vigour.	Y	Accept.Management and infill planting to be included in development proposals.
G4b	N	Mown grass, laurel, with T442/T443 unexceptional Swedish Whitebeam - T442 with a heavy low lateral limb to south. T427 and T2429 have been removed.	N	Remove from TPO.
G4c	N	Four birch, a whitebeam, a rowan and a sumac - an unexceptional group, providing no low screening of car park. The whitebeam (T407) is a reasonable tree, but only 7m in height so low visual importance. T444 is a large goat willow, with basal decay and limited life expectancy. T447 has been removed, T446 has an asymmetric crown and T445 is growing up into the canopy of T444. Low visual amenity	N	Remove from TPO.
G4d	N	Beech, birch, Norway maple and lime- growing at close spacing within 3m of boundary fence. Remainder of area is mown grass.	Y	Change to individual TPOs, or reduce extent to accurately reflect extent of boundary trees.
G5	N	19 lime trees, forming an avenue, with lines 6m apart and trees within lines at approximately 5m spacing. Majority of trees have a number of tight forks- typical of species. Showing good vigour. Attractive arboriculture feature.	Y	Accept, but vary extent to match approved Design Code (4 trees at north end could be excluded from the TPO).

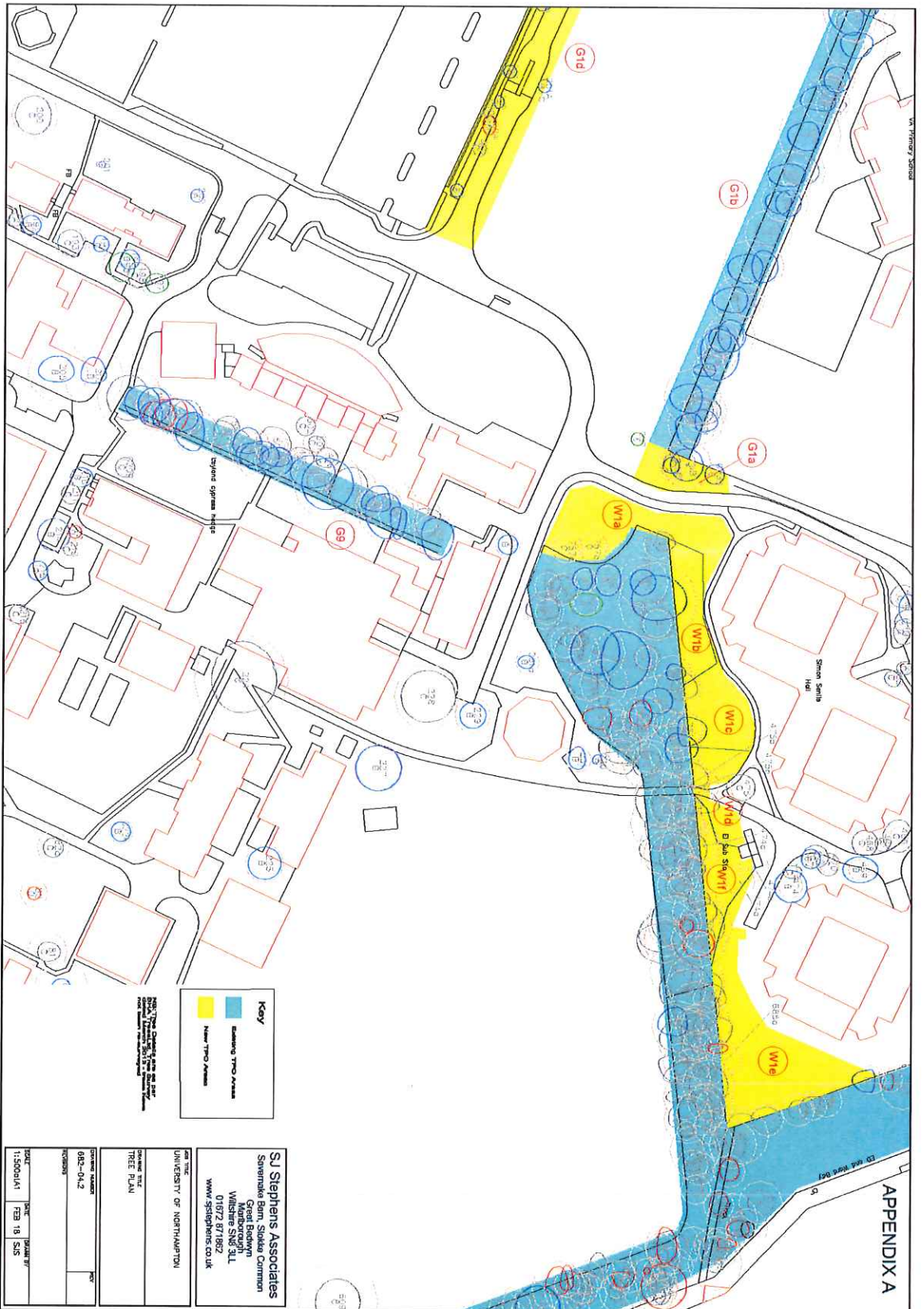
New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G6	Y	A variety of species, with a mixture of mature and early mature trees, many of good quality, including beech, ash, lime, yew. Open in parts and potential to plant approximately 15 new trees to improve sustainability of the group. Growing at edge of site at top of slope, so of high landscape importance.	Y	Accept
G7a	Y	Mixture of species and ages- high amenity value trees. T119- pink horse chestnut good visual amenity, but life expectancy of only 10-15 years.	Y	Accept.
G7b	N	Four number sycamore- approximately 15m in height. (see photo sheet 9) Three are multi stem, with tight forks, making increased risk of breakout. Wider landscape significance reduced by presence of G6. Wrongly classified in tree survey as U category- should be between B and C category. Legitimate group, but do not warrant protection.	N	Remove from TPO.
G7c	N	Two mature <i>Prunus cerasifera</i> -attractive small trees, but life expectancy of only 5-10 years so do not warrant protection. (see photo sheet 9)	N	Remove from TPO.
G7d	N	Four sycamore, growing out of top of 1m bank. Three multi-stem, fourth has an asymmetric crown. Legitimate group, but debatable whether warrant protection.	N	Remove from TPO.
G7e	N	Area of mown grass, with two sycamore: T125 is 14.5m, with twin leaders from 4m, an asymmetric canopy and a sway stem. T124 is 14.5m. Main stem bifurcates at 1m, with a tight fork showing included bark. Basal stem leans to north west. Life expectancy at 15-30 years. Neither justify a TPO.	N	Remove from TPO.

New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
G7f	N	<p>Majority of area is mown grass.</p> <ul style="list-style-type: none"> -T106 twin stem sycamore, 15m, twin stem from base with a tight fork and included bark, which reduces life expectancy. -T106a (not included in tree survey): sycamore 6m, 180mm stem diameter. Main stem bifurcates at 1.9m - poor structure. -G108 five multi stem sycamore, growing as a group- stems from 90-250mm diameter. Poor structure- stems likely to breakout in the future. -T107 attractive 11.5m paperback birch, which could warrant an individual TPO. Tight fork at 2m. -T41 fine mature oak which warrants individual tree protection. -4 young small growing trees- stem diameter less than 75mm- not worthy of protection. 	N	A group TPO is not justified, however an individual TPO is justified for T41 and possibly for T107.
G8	Y	Majority mature sycamore, up to 22m in height, with occasional low quality larch and pine of mixed quality. Prominent landscape feature- under rated in tree survey. Decay points in some trees. Would benefit from some lower quality conifers being removed. More pine at southern end.	Y	Accept
G9	Y	Majority pine 17-21m in height, with variety of other species along western edge. 7.5m Leyland hedge along eastern side. Within site, so less significance for wider landscape, but still justify a TPO. T85 low quality- could be excluded, with an individual TPO for T84. There are 2 mature pines on south side of road to south, which could be included. (see photo p 12)	Y	Accept
W1a	N	Mown lawn, with sculpture and two young trees:- T757a - A horse chestnut, 2.6m, 40mm stem diameter. T757b - scots pine, 2.3m, 50mm stem diameter.	N	Remove from TPO.

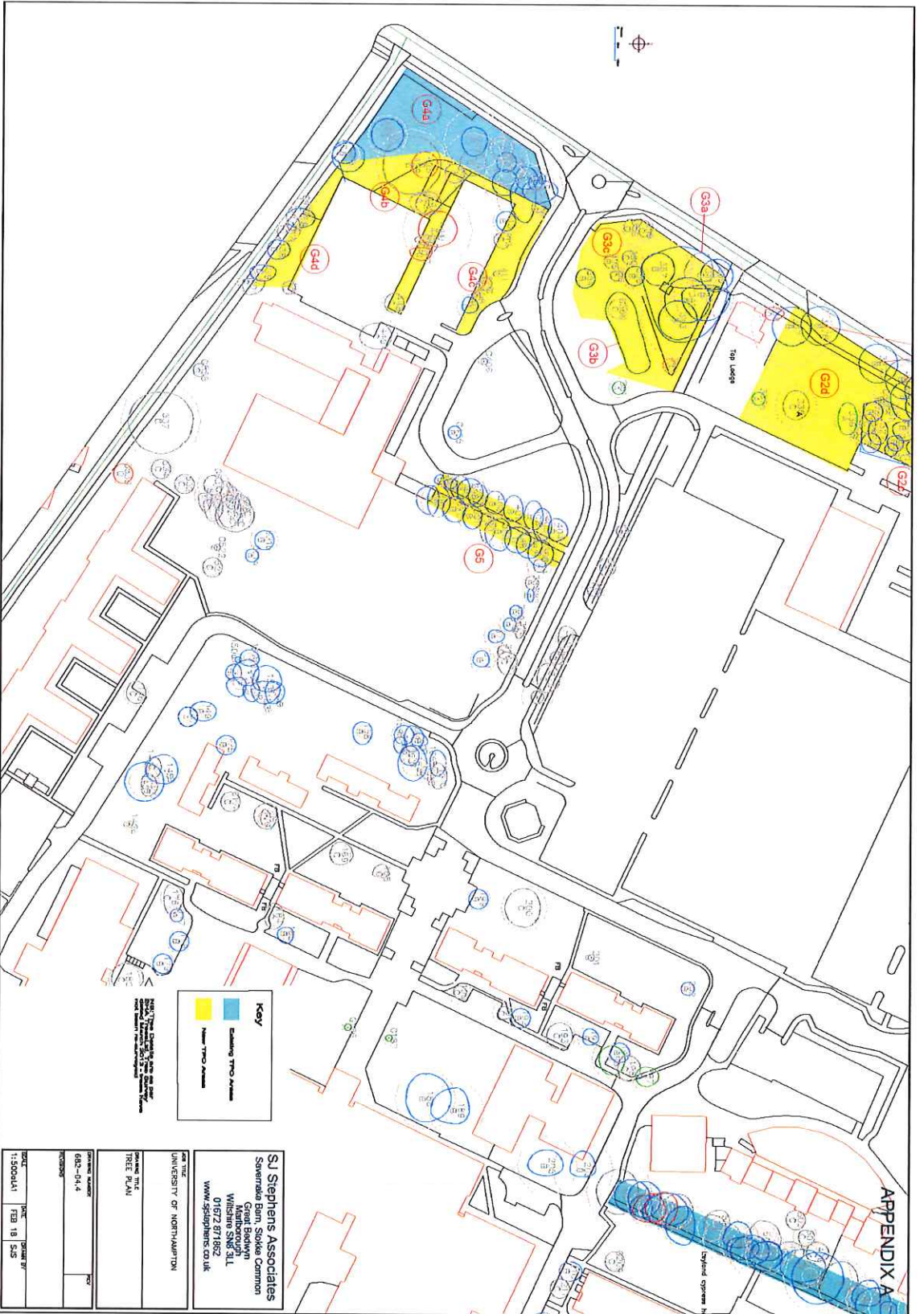
New TPO Ref	Part of existing 2013 TPO?	Description	Suitable for TPO?	Response
W1b	N	Area of undergrowth, outside post and rail fence boarding woodland. Three ash 8-11m in height, all less than 150mm diameter, all leaning to north. One goat willow- twin stem- growing against adjacent building. Undergrowth consisting of laurel, symphoricarpus, hazel and field maple - all less than 120mm diameter.	N	Remove from TPO.
W1c	N	Tightly mown lawn.	N	Remove from TPO.
W1d	N	Patches of shrubs- hazel, field maple and laurel, all regularly topped at between 1.2-1.7m. Two trees at eastern end, immediately adjacent to path:-T475a- a field maple 6.5m, 140mm stem diameter- a reasonable tree and T475b an ash 14m, 450mm diameter- leaning to north, only moderate vigour.	N	Remove from TPO.
W1e	N	Tightly mown grass, with single tree- T685a- low quality 6m, twin stem sycamore- leaning with extensive squirrel damage	N	Remove from TPO.
W1f	N	Area of dense undergrowth containing only 3 trees:- -T474a - an 8m goat willow, approximately 400mm stem diameter and 11m crown diameter. Life expectancy 5-15 years, -T474b - a sycamore, 10.5m, 290mm, 8m crown spread. Five way fork at 2m- stems growing against bike shed. Poor structure. -T474c a sycamore 8m, 160mm stem diameter, crown spread- 6m- leaning to north. None of the trees justify a TPO. Remainder of area is a thicket containing leaning, ivy engulfed thorn, hazel and laurel.	N	Remove from TPO.

Annex 1: SJ Stephens TPO Assessment Appendix A: Plans showing proposed TPO and location of assessment sub-areas

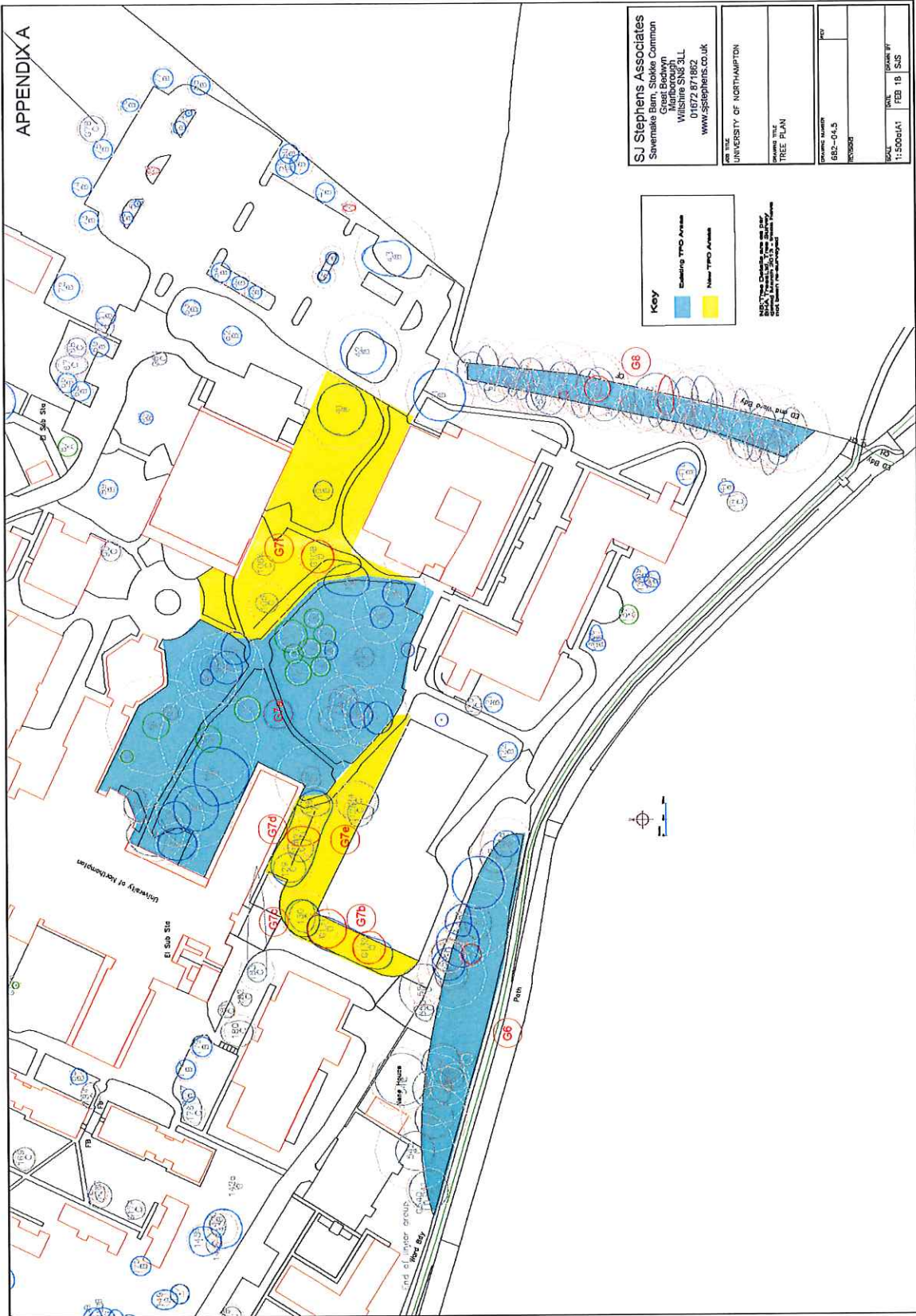




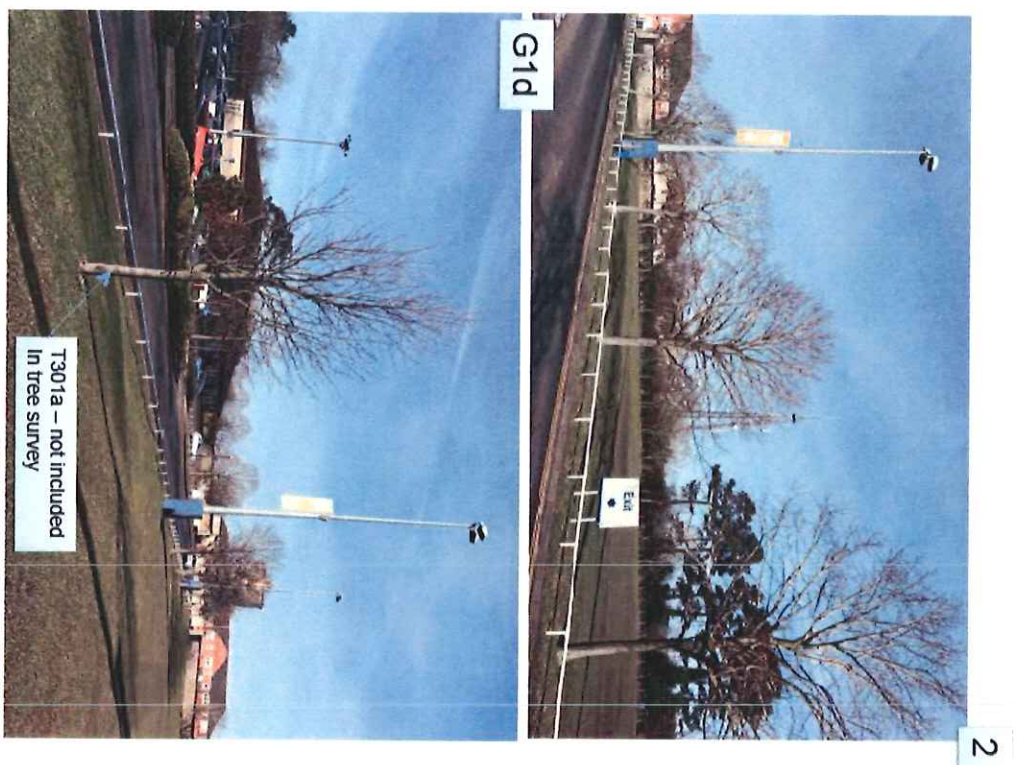




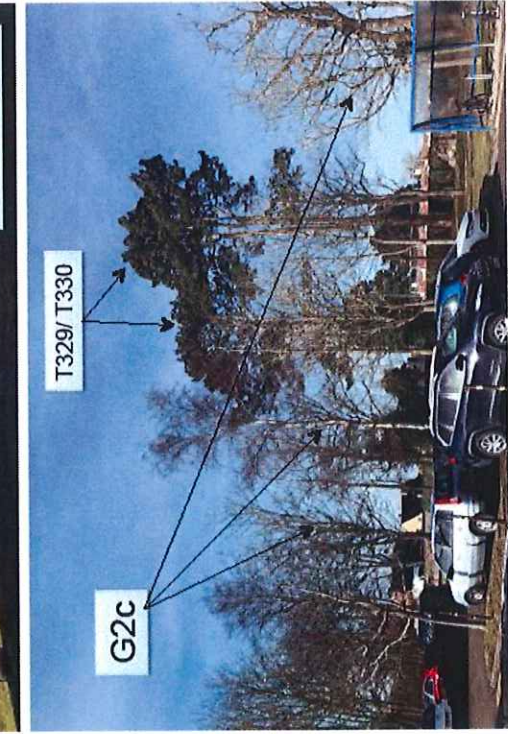
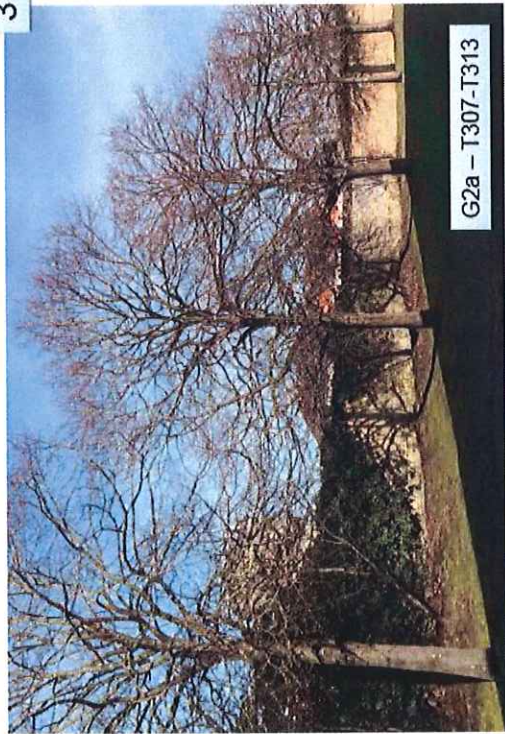
APPENDIX A



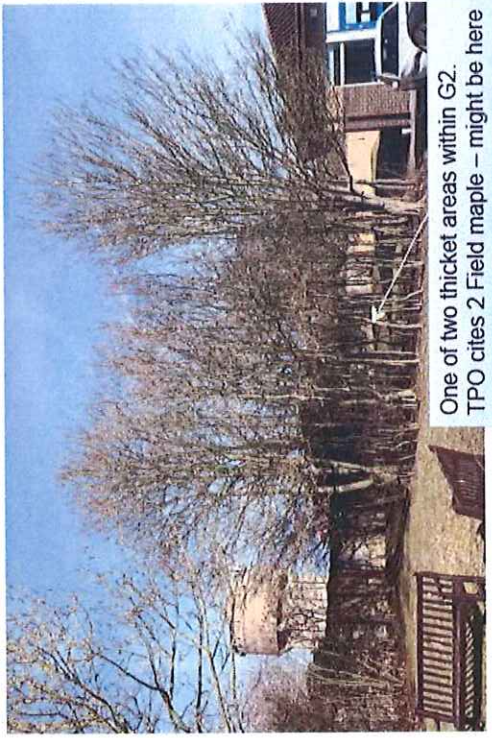
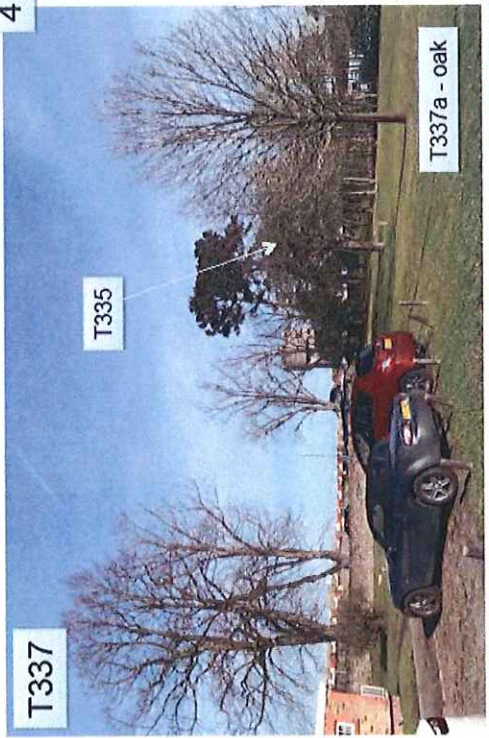
Annex 1: SJ Stephens TPO Assessment Appendix B: site photographs

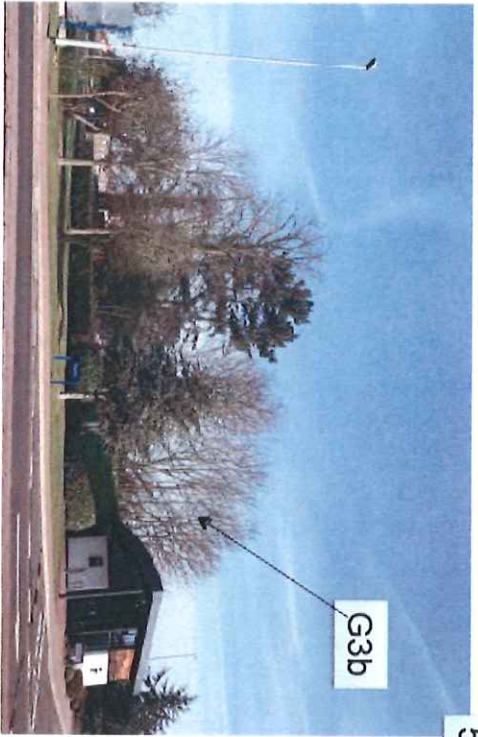


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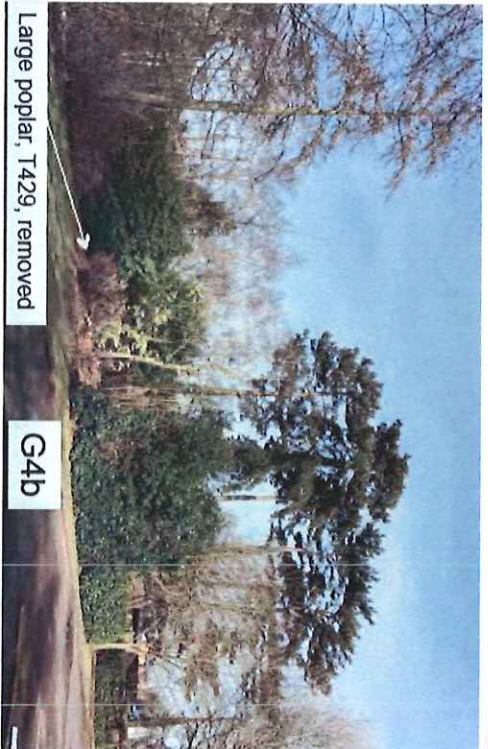




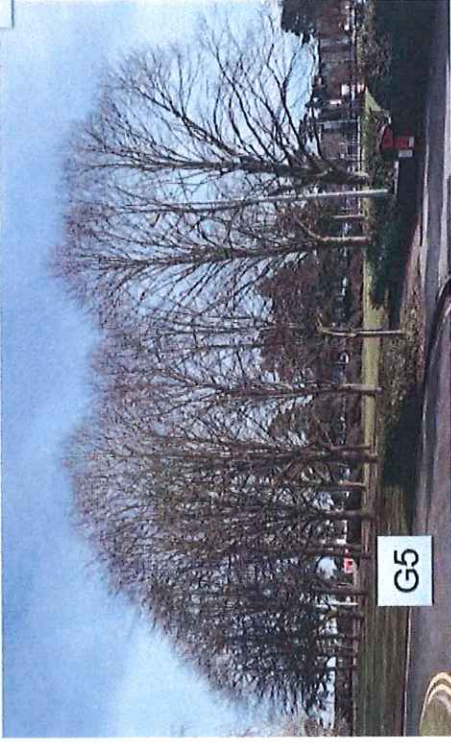
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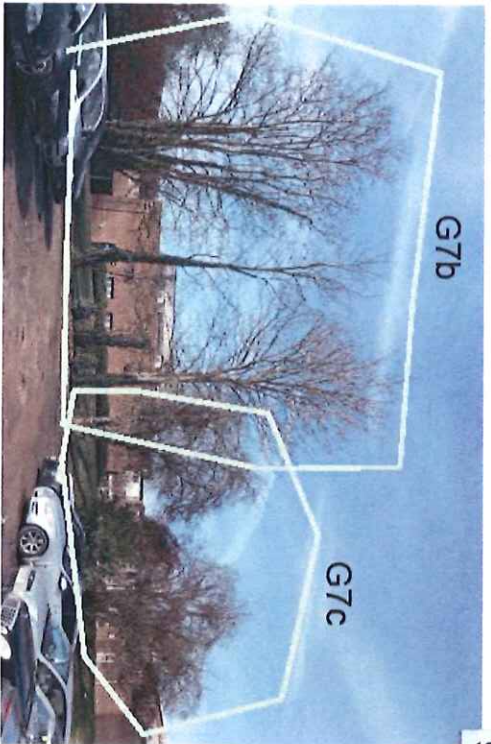


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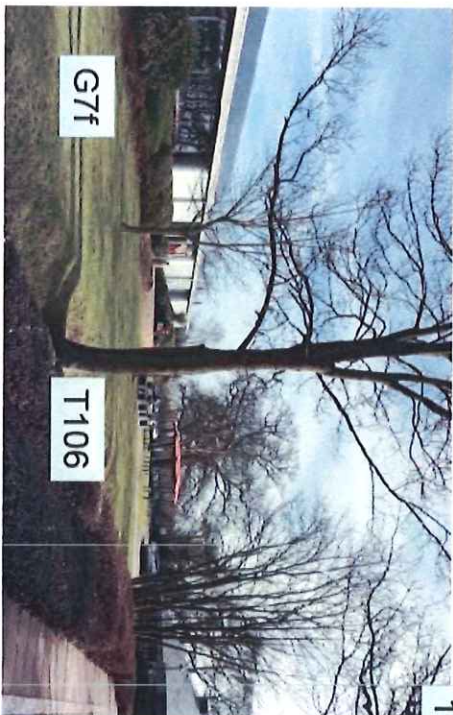
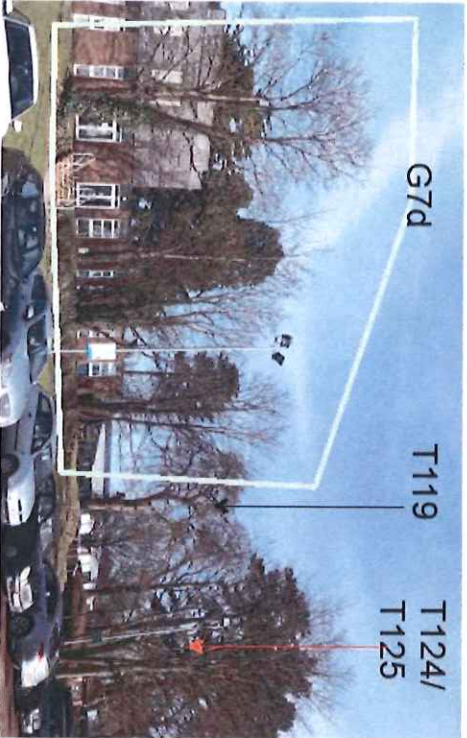


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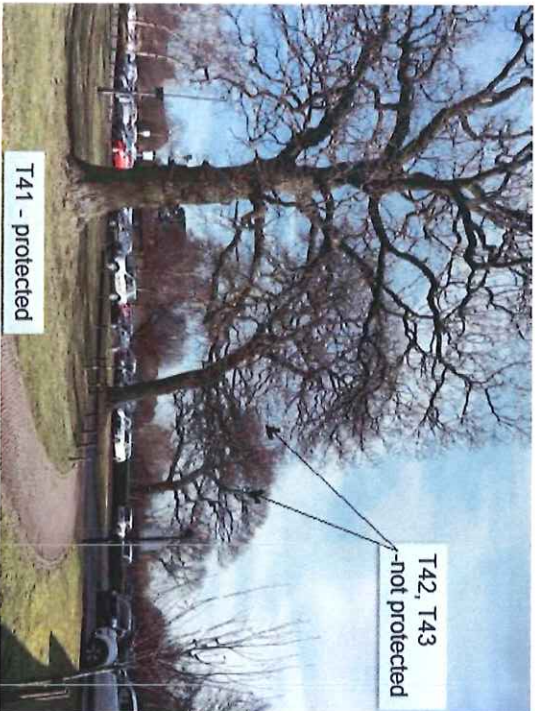


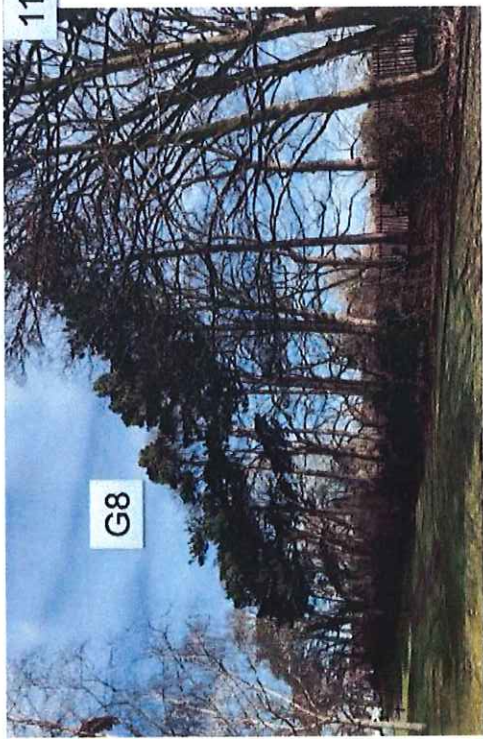


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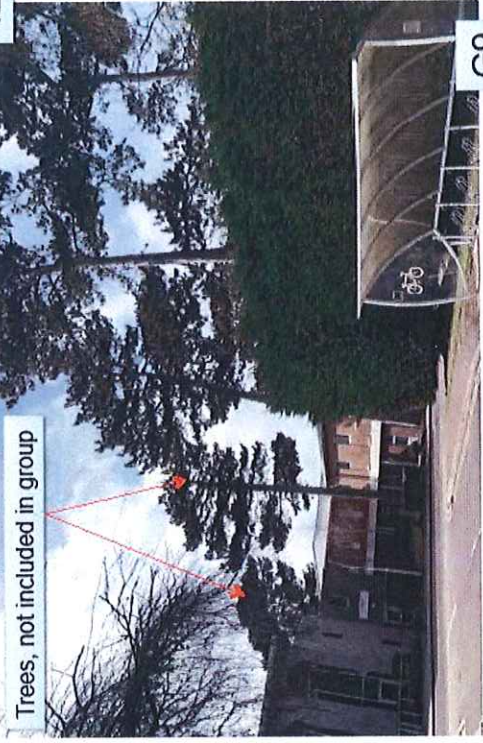


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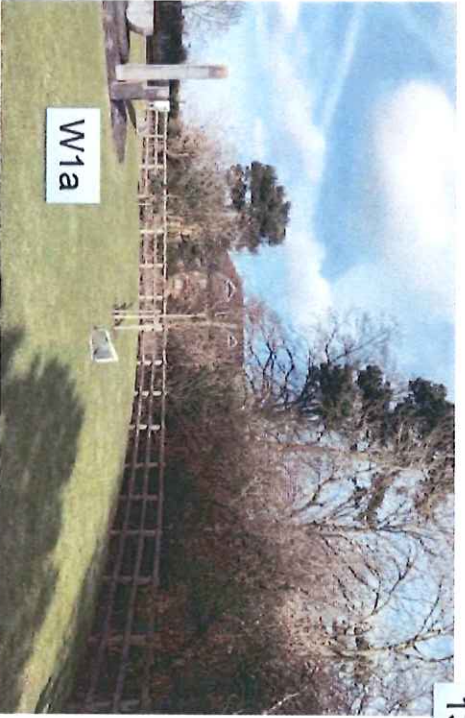
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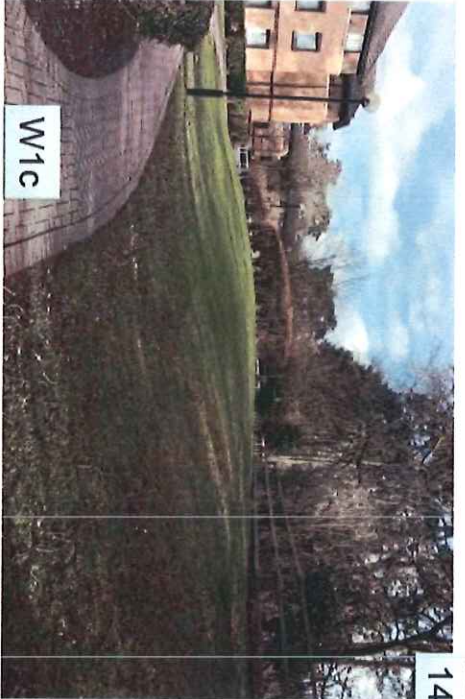
Trees, not included in group

12

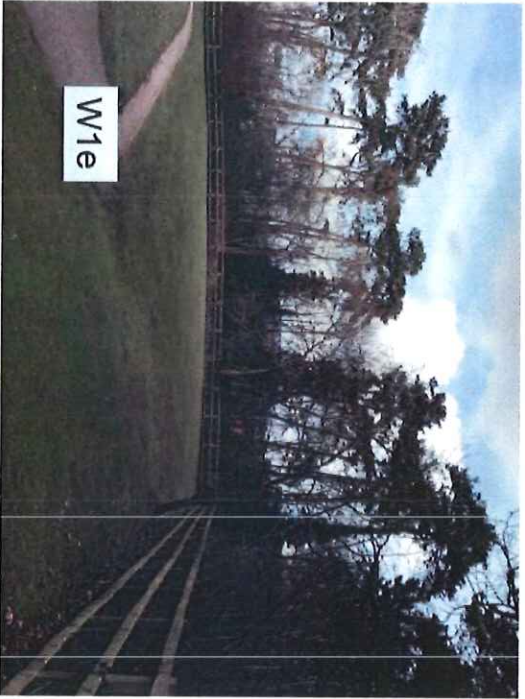




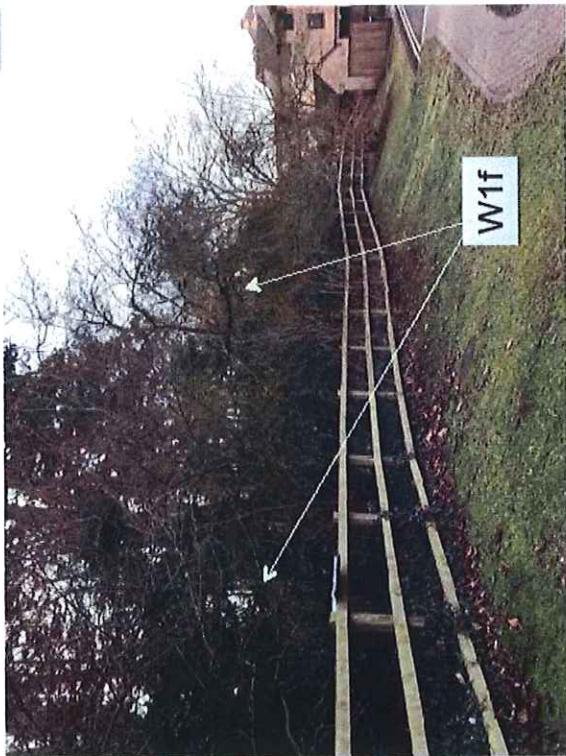
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14



15



Annex 2: 2013 tree survey plan



BIA Trees Ltd		
BIA Trees Ltd, The Alpha, Broughton in Furness, Cumbria, LA6 0B		
01779 216298 info@bia-trees.co.uk www.bia-trees.co.uk		
Host: Southampton University Broughton Green Road		
SCALE:	DATE:	4
1:1000	28/03/2013	
M30 E0122M		
DG 5837 2013		
<small> Case: University of Southampton, Broughton Green Road Back Sheet on: Ordnance Survey MapSheet No. T 5600 By permission of the Controller of MA00 © Crown Copyright </small>		

Mr Jonathan Hazell
Project Officer, Arboriculture,
Northampton Borough Council
The Guildhall
St Giles Square
Northampton, NN1 1DE

Park Campus
Boughton Green Road
Northampton
NN2 7AL

TEL 01604 892001

terry.neville@northampton.ac.uk

26 February 2018

Dear Mr Hazell

Reference: Formal Objection to Tree Preservation Order No. 235

Please find enclosed the University's formal objection to the recent Tree Preservation Order proposed at Park Campus.

We are preparing to dispose of the Campus for residential development. The established landscaped character of the campus has been a key driver of the design of the residential scheme and we feel sufficient steps have already been taken to preserve the character and principal landscaped areas of the site, as per the already approved Design Code and previous 2013 TPO.

It is also worthwhile noting that the disposal is as a result of our relocation to the new Waterside Campus, where we are investing heavily in delivering a diverse landscaped environment, including the planting of a significant number of new trees.

We consider that the enclosed analysis indicates there are inadequate grounds for the proposed TPO in its current form. We hope that the local planning authority will reconsider their position in the light of these comments and this overall objection. We consider it would be highly beneficial for a meeting between suitable representatives of the University and Council and note that this would be as recommended in Para 3.37 of the Tree Preservations Guide.

Yours sincerely



**Terry Neville
Chief Operating Officer**



**Park Campus
Boughton Green Road
Northampton
NN2 7AL**

**Avenue Campus
St George's Avenue
Northampton
NN2 6JD**

Switchboard **01604 735500**
Study Enquiries **0300 303 2772**
Study Email study@northampton.ac.uk
Web northampton.ac.uk



Alan Davies
Senior Planner
Persimmon Homes Midlands
3 Waterside Way
Bedford Road
Northampton
NN4 7XD

Our Ref: TPO 235
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 27 February 2018

Dear Alan,

TPO 235 BOUGHTON GREEN ROAD, FORMER PARK CAMPUS

Thank you for your hand delivered letter dated 13 February raising concerns over the above TPO.

Before I respond to some of your points of detail I would make some general overarching observations:

- the previous order, 204, was technically unsound and in reality would have provided very limited tree protection and so the new order was considered to be absolutely necessary, and
- because the evolving plans for the development are inevitably fluid then we have chosen to adopt a presumption in favour of tree retention, the fine grain can be resolved once the plans for the development are finally agreed, and
- it would be unlikely that we would exclude a tree from the Order because it “may” prevent development, the purpose of the Order is to protect public amenity and has nothing to do with enabling or frustrating development, and
- the discussion about appropriate mitigation for the loss of protected will have to take place in the future, as above the fine grain can be resolved once the plans are agreed, and
- TPO 235 will not, and cannot, prevent authorised development from proceeding in accordance with the agreed plans.

Group 1

In our opinion the Order has been made to reflect public amenity, at today’s date as well as a consideration of future amenity value, hence the inclusion of the smaller and younger trees. However, as noted above, if it is impracticable to retain these trees when the site is being actively developed then the planning permission will overrule the Order.

Group 4

The point behind the inclusion of 398 – 471 was that they remain to form the basis of a screen between the development site and the neighbour to the south.

Groups 6 and 7

You note that three trees in G6 and several in G7 are located close to or within a water attenuation pond, but then go on to suggest that the engineer's calculations have yet to establish how many trees are required to be removed from G6. This illustrates and serves to confirm my second general observation precisely.

Woodland 1

In the woodland you state again that the attenuation pond and drainage will be far larger than the master plan indicates, which I believe helps to justify my presumption in favour of tree retention prior to the agreement of the final plans.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

A handwritten signature in grey ink that reads "Jonathan Hazell". The signature is written in a cursive, flowing style.

Jonathan Hazell
Project Officer: Arboriculture
Regeneration, Enterprise & Planning

Working pattern: 008:00 – 16:00, Tuesday to Thursday



Terry Neville OBE
FCCA FRSA UHFellow
Chief Operating Officer
University of Northampton
Park campus
Boughton Green Road
Northampton
NN2 7AL

Our Ref: TPO 235
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 27 February 2018

Dear Mr Neville,

TPO 235 BOUGHTON GREEN ROAD, FORMER PARK CAMPUS

Thank you for your hand-delivered letter with accompanying report from LUC (which erroneously refers to TPO 234) dated 26 February with your formal objection to the recently served TPO 235 Boughton Green Road, former Park Campus.

We are of course aware of the plans to dispose of the Campus for residential development and the serving of TPO 235 was considered to be absolutely necessary to protect the public amenity that the established landscape character provides to the staff, students and visitors to the Campus, including all the ancillary business undertakings within the site boundary. The TPO is being used to protect selected trees and woodlands as we believe their removal would have a significant negative impact on the local environment and its enjoyment by the public.

Once TPO 235 has been confirmed then TPO 204 University of Northampton, Park Campus, Boughton Green Road, will be revoked. In paragraph 4.12 LUC refer to TPO 204 as providing significant levels of protection: this is patently not the case as the description of the Groups in Schedule 1 of the Order was woefully lax and in reality would have provided totally inadequate tree protection. For example the description of the former G1 (now labelled W1) was "Ash, Silver Birch, Oak, Larch, Sycamore, Pine & Horse Chestnut". In my understanding, provided that one each of those species remained standing within the extent of the G1 as mapped, then we would have been powerless to take any enforcement action for unauthorised felling, and I am disappointed that LUC have not been able to make the same observation.

We have chosen to adopt a presumption in favour of tree retention within the site boundary as the plans for the development are continuously evolving and the fine grain can be resolved once the plans for the development are finally agreed. At that time the discussion about appropriate mitigation for the loss of protected will have to take place.

The serving of TPO 235 will not, and cannot, prevent authorised development from proceeding in accordance with the agreed plans once planning permission has been granted, but as that is an iterative process so our presumption remains in favour of tree retention.

The LUC report refers to the DCLG document **Tree Preservation Orders: A guide to the law and good practice**. That document has been withdrawn as the guidance was not updated to address the new regulations and changes to TPO procedures that came into full

effect on 6 April 2012. The document was replaced by extensive on-line guidance, see <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>.

We have served the TPO because we believe it to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands” in the area, particularly as TPO 204 was technically unsound. We have also exercised our judgment when considering the meaning of amenity deciding that it is reasonable to make the TPO and, using the current guidelines, have considered visibility, individual, collective and wider impact, and other factors.

As the trees that are the subject of this TPO surround the Campus and are contained within the site it seems to us that the visibility test has been adequately met: “The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.” To try to argue, as it would appear LUC have done in paragraph 4.2, that the University staff and students are somehow excluded from the definition of “the public” would seem to me to be absurd.

When considering the individual, collective and wider impact we have been cognisant of the recommendation to consider the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This explains why the individual trees from TPO 204 are no longer included in TPO 235, and reflects our opinion of the future potential as an amenity that some trees hold, as well as their contribution to, and relationship with, the man-made landscape.

We believe that we have followed the spirit of the guidance and served the TPO to “protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.” We also believe that we are able to demonstrate that the serving of the TPO will demonstrate that protection would bring a reasonable degree of public benefit in the present or future.

I am not persuaded by the conclusion in the LUC report that “there are inadequate grounds for the proposed TPO in its current form”.

Would you now be prepared to withdraw your objection to the confirmation of the TPO? If your objection were to stand then a report will need to be prepared for consideration by elected members, the purpose of the report would be to seek their consent for the confirmation of the order which we believe to be “expedient in the interests of public amenity”.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,



Jonathan Hazell
Project Officer: Arboriculture
Regeneration, Enterprise & Planning

Working pattern: 008:00 – 16:00, Tuesday to Thursday

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

Date: 17/01/2018

App:

Boughton Green Road, the former Park Campus

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5	Good	Highly suitable	5
3	Fair	Fairly Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only			

b) Retention span (in years) & suitability for TPO

5	100+	Highly suitable	5
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Just suitable	
0	<10*	Unsuitable	

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5	Very large trees with some visibility, or prominent large trees	Highly suitable	5
4	Large trees, or medium trees clearly visible to the public	Suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1	Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

15

5	Principal components of arboricultural features, or veteran trees	4
4	Tree groups, or members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features (inc. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

5	Immediate threat to tree	1
3	Foreseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	20
1 - 6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Returning Officer Fees and Expenses
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	20 th March 2018
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 To approve the scales of election fees paid to the Returning Officer for any Borough or Parish Council elections during 2018/19.

2. Recommendations

- 2.1 That the scale of election fees appended to this report be adopted for 2018/19 in relation to any Borough/ Parish Council by-elections or Referendums which may be required.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The local authority is required to appoint a Returning Officer to conduct these elections on their behalf. The Returning Officer is legally responsible and accountable for the management of elections. Each local authority is required to place the services of its staff at the disposal of the Returning Officer to help run the election.
- 3.1.2 In order for the Returning Officer to be able to carry out their duties, Section 36 (4) of the Representation of the People Act 1983 (For a district election including by-elections) states that the council may set a maximum scale of charges for the returning officer to use. The legislation states that a returning officer's expenses for conducting an election shall be paid by the council but if a scale is set, the expenses shall not exceed those laid down in the scale.

- 3.1.3 For parish/town council elections, Section 36 (5) states that the council may similarly set a maximum scale of charges for the Returning Officer to use, which the district council is responsible for paying, but which shall be repaid to the district council by the parish council for which the election is held, if the district council so requires it to be paid. It is the policy of this council that parish councils are required to pay for elections.
- 3.1.4 The local authority is required to appoint a Returning Officer to conduct these elections on their behalf. The Returning Officer is personally (not corporately) responsible for the management of elections. Each local authority is required to place the services of its staff at the disposal of the Returning Officer to help run the election.
- 3.1.5 In Northampton Borough Council, the Returning Officer is the Council's Borough Secretary and Monitoring Officer. Even though the Returning Officer is also an employee of the Council, at the time of an election his responsibility is completely separate. In order to run a local election the Returning Officer needs to employ and pay additional staff with different levels of responsibility. It is important that this is done fairly and transparently. In order to achieve this, the Council must agree a schedule of fees which they all use to pay staff to ensure that there is a consistent approach for everyone.
- 3.1.5 There is no formal consensus of fees between the Northamptonshire local authorities. The fees currently paid by NBC are in line with those paid by Daventry District Council, however they have not been put through Council for approval.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The scale of the proposed election fees are in line with the Councils existing pay policy.

4.2 Resources and Risk

- 4.2.1 The costs of Parish Council elections are recoverable from the relevant Parish Council
- 4.2.2 Northampton Borough Council has to meet the costs of any Borough Council elections including by-elections. It is important to ensure that the Returning Officer has sufficient funding to run the election, and can attract experience and committed staff to comply with legislation

4.3 Legal

- 4.3.1 Legal issues are covered within the body of the report

4.4 Equality

- 4.4.1 There are no diversity and equalities implications arising from the report

5. Background Papers

5.1.1. None

Diana Bowden
Electoral Services Manager

Appendix 1

SCALE OF ELECTION FEES AND EXPENSES FOR LOCAL ELECTIONS 2018/19

Returning Officer fee for conducting the election and generally performing the duties required.	Fee
Contested District Council elections. For the first 1000 local government electors within each electoral ward For each additional 500 local government electors or fraction thereof	£100.00 £38.00
Uncontested District Council elections (for each electoral ward)	£67.00
Contested Parish Council elections For the first 500 local government electors within each electoral area For each additional 100 local government electors or fraction thereof	£64.00 £12.00
Uncontested Parish Council elections (for each electoral area)	£36.00
Combined District and Parish elections (for each parish electoral area)	£42.00

Deputy Returning Officer (full powers)	25% of RO fee
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All equipment to be purchased, hired, altered or repaired	Actual and necessary cost
Hire and fitting up of Polling Stations including heating, lighting, cleaning and damages and expenses paid in respect thereof	Actual and necessary cost
Stationery at Polling Stations	Actual and necessary cost
Printing and providing nomination forms, notices, ballot papers and other forms and documents required in and about the election or poll.	Actual and necessary cost
Printing and issue of Polling Cards	Actual and necessary cost
Despatch and receipt of postal voting packs	Actual and necessary cost
Travelling expenses for Returning Officer and elections staff	Paid at HMRC

	mileage rate.
Presiding Officer Single election Combined election	£225.00 £250.00
Poll Clerk Single election Combined election	£135.00 £150.00
Polling Station Inspector	£260.00
Senior Polling Station Inspector	£275.00
Counting Assistant Night time, weekend or bank holiday count (per hour) Day time count (per hour)	£17.00 £14.00
Count Supervisor Night time count, weekend or bank holiday count (per hour) Day time count (per hour)	£24.50 £21.50
Senior Supervisor Night time count, weekend or bank holiday count (per hour) Day time count (per hour)	£30.75 £27.75
Count Manager Night time count, weekend or bank holiday count (per hour) Day time count (per hour)	£43.25 £40.25
Porter/Security Night time count, weekend or bank holiday count (per hour) Day time count (per hour)	£17.00 £14.00
Postal Vote Assistant Day time (per hour) Evening (per hour)	£10.00 £13.00
Postal Vote Supervisor Day time (per hour) Evening (per hour)	£15.00 £18.00

Note:

With regard to other electoral activities and events where there is not a fees and charges order set by Government (this includes but is not limited to neighbourhood planning referendums, council tax referendums and local polls) this schedule shall be used for the basis of calculating fees and charges.